

City of Dunkirk, New York

Fair Housing Impediment Analysis

Revised: 2020

Introduction and Executive Summary

Executive Summary

The City of Dunkirk has a history of supporting the purpose and goals of fair housing within its jurisdiction. The City is committed to achieving equal housing opportunity goals through its administration of federal, state, and local programs. Dunkirk's manufacturing base has steadily declined throughout the last several decades. The heavily industrialized plants and foundries that once predominated in Dunkirk have either closed or reduced their scope of operations. The downsizing of the industrial base and the temporary closing of the NRG Energy plant has had a significant impact on the community and its residents. However, City leaders are starting to recognize and act on the City's locational assets and natural resources to rebuild the economy.

Over the last decade, the City of Dunkirk has experienced a 4.3% decline in population, from 13,131 in 2000 to 12,563 in 2010. In 2018, it was estimated the population had again decreased to 11,799 residents. The decline over that period is believed to be because of a shrinking economic base; however, Dunkirk reached its peak population in 1920, with 19,336, and has been decreasing ever since. This puts Dunkirk in the same category as other Legacy Cities such as Buffalo, Pittsburgh, and Erie and it has seen the same issues with industrial decline and segregation. According to census.gov, the population is predicted to increase for the first time in a century in 2020. Chautauqua County as a whole lost 2% of its population during the 2000's.

The ethnic composition of the City of Dunkirk has changed dramatically over the last decade. In 2000, minorities accounted for 17.3% of the population; in 2010 that number increased to 28.22% of the population. The growth in persons of Hispanic or Latino origin grew 27.38% in that decade. Some of these individuals are migrant workers laboring in the expansive agricultural and food processing industries in Chautauqua County. According to Judy Presutti, Executive Director of the Dunkirk Housing Authority, many come here from Puerto Rico for the quality health care facilities.

HUD has made no formal finding of violations of the Fair Housing Act, Title VI, or Section 504, or regulations implementing these laws, in any federally funded housing or housing-related activities in the City nor has HUD placed contract conditions on grants or loans awarded to the City, nor has it denied funding because of evidence of a violation of one or more applicable civil rights laws.

A variety of mechanisms are in place and being implemented to facilitate the increase of affordable housing, to improve existing housing, and to further fair housing within this jurisdiction. The City of Dunkirk intends to continue taking an affirmative stance to further housing opportunities for its diverse population. The City will make every attempt possible to be sensitive to the needs of all its residents in formulating housing policies and programs.

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Preface

This study is designed to meet the requirements of 24 CFR 570.904 © (1), for Entitlement Local-Government CDBG Grantees of the United States Department of Housing and Urban Development.

This comprehensive study includes a comparative analysis of public and private impediments to local fair housing choice and of affirmative counter measures. It concludes with a listing of specific actions which may be taken to overcome barriers to equal and fair housing opportunities within the City of Dunkirk.

This assessment should serve as a tool to the City of Dunkirk in establishing, maintaining, and furthering local housing policies. The City continues to be strongly committed to furthering fair housing within its jurisdiction.

Purpose of the Assessment

The Housing and Community Development Act of 1974, (Public Law No. 93-383, August 22, 1974) established the Community Development Block Grant (CDBG) program, which authorizes the federal Department of Housing and Urban Development (HUD) to make public works funds available for local communities to develop “viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate incomes,” [42 U.S.C. 5301 (c).] It is estimated that 95% of America’s population falls within these bounds.

One of the goals of the CDBG program is to reduce “the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial de-concentration of housing opportunities for persons of lower income,” [42 U.S.C. 5301 (c) (6).]

In order for a grantee of CDBG federal funds to maintain eligibility, its housing and community development programs or activities must not impede fair housing choices within its jurisdiction. Furthermore, the grantee must demonstrate a good faith effort in taking affirmative steps to overcome the effects of conditions that may limit local fair housing choices. In order to determine whether or not impediments to fair housing choices exist within the CDBG grantee’s jurisdiction, it is essential that a thorough analysis be formally conducted. Consequently, the United States Department of Housing and Urban Development (HUD) promulgates regulations that such formal needs assessment studies be conducted at least once by grantees.

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This assessment has the dual purpose of meeting HUD requirements for a formal needs assessment and also ascertains the extent of impediments to fair housing in the City of Dunkirk and how the City is addressing them.

Definition of Fair Housing

Fair Housing is defined by HUD in 24 CFR 570.904 (c) (1) to mean the ability of persons of similar income levels to have the same housing choices regardless of race, color, religion, gender, disability, familial status, or national origin. In essence, discrimination in sale or rental of housing is prohibited against these protected classes [See the Fair Housing Act, 42 United States Codes, Section 3601, et seq]. Fair housing laws are intended to further equal opportunity in housing, mortgage lending, and the purchase of mortgage insurance.

Federal fair housing law is based primarily upon the Fair Housing Act, Title VIII of the 1968 Civil Rights Act as amended (42 U.S.C. 3601), and the 1866 Civil Rights Act (42 U.S.C. 1982).

The Fair Housing Act prohibits discrimination in the sale, rental, lease, or negotiations for real property based on race, color, religion, gender, national origin, disability, or familial status. It also prohibits steering, blockbusting, and discrimination in housing finance. Owner-occupied single or multi-family dwellings with no more than units; single family housing sold or rented without the use of a broker; and housing operated by private clubs and organizations that limit occupancy to members are exempt from these regulations.

The 1866 Civil Rights Act grants all citizens the same rights with respect to property. Court interpretation has included all non-white and Hispanic Americans within its protection. The provisions of the act reach all property transactions, even those involving owner-occupied single-family homes, unless sold or rented without the use of a broker.

The Equal Credit Opportunity Act and the Community Reinvestment Act prohibit racial discrimination in the mortgage and credit industries and encourage banks to issue credit in low-income communities where credit has been lacking. The Community Reinvestment Act also requires banks to lend money for affordable homes and poor neighborhoods.

Scope of Assessment

Specifically, this fair housing assessment:

- Reviews applicable federal, state, and local policies;
- Analyzes the residential distribution of protected classes using available data;
- Presents statistics of housing discrimination complaints;

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- Assesses the impact of public and private sector policies and practices on fair housing choice;
- Considers fair housing services provided by community organizations
- Makes policy recommendations to address existing problems; and
- Demonstrates the conformity of the City of Dunkirk with 24 CFR 570.904 (c) (1) and other applicable HUD regulations.

Compliance

This assessment demonstrates the conformity of the City of Dunkirk with federal requirements. Throughout the years, the City of Dunkirk has demonstrated a strong commitment and furthering equal housing opportunities within its jurisdiction to the extent permitted by law and resources.

Federal housing discrimination law lists seven protected class categories: race, color, religion, gender, disability, familial status, and national origin. Housing discrimination against any member of these protected classes is forbidden. Federal policy essentially concludes that housing discrimination harms society as a whole and especially harms the individual directly involved.

Primary Types of Discrimination

The study focused on a range of discriminatory practices including:

- Discrimination on the basis of race, color, or national origin – During the last few decades all levels of government and many private organizations and individuals have been attempting to remedy the problem of racial and ethnic discrimination. A recent HUD study, [Housing Discrimination Against Racial and Ethnic Minorities 2012](#), released in June of 2013, estimates that nationwide 11% of Black renters, 17% of Black home buyers, 12% of Hispanic renters and 15% of Asian renters suffered housing discrimination. This has decreased significantly since 2000 but the problem still persists across the country. Those whose ethnicity is more easily identifiable face an increased chance of discrimination.
- Discrimination on the basis of religion – In today's society this type of discrimination is less common than some other forms; however, hate crimes, often directed toward people who are Jewish have increased in recent years. Hate crimes have been shown to intimidate victims and drive them from neighborhoods in which they have chosen to live.
- Discrimination in the basis of sex – In housing this type of discrimination often takes the form of loan denial on the basis of sex or in sexual harassment of female tenants by landlords. This discrimination limits women's autonomy to live where they choose.
- Housing discrimination on the basis of familial status – This type of discrimination typically manifests itself in landlord's refusal to rent to families with children. This remains a

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particularly serious problem throughout Chautauqua County in light of the shortage of affordable housing.

- Discrimination on the basis of handicap – This is often a hidden discrimination, at least to someone who is not handicapped. However, simple accommodations, such as wheelchair ramps, can enable the handicapped to lead independent lives.

Fair Housing Concerns

I. Identification of Fair Housing Concerns / Problems

The identification of fair housing concerns and problems in Dunkirk involved the collection of information from both the public and private sectors and generally covered the following elements; review of fair housing complaints, violations, or lawsuits; relevant public policies; the degree of segregation within the community; and institutional practices within the real estate industry

Fair Housing Complaints, Violations, or Lawsuits

To assist the City in analyzing potential impediments to fair housing choice, the Consultant requested information from HUD regarding the number of complaints received by the Department from the jurisdictions. The information report from HUD covered the period 1986 to October 1995 and indicated that no complaints were received from the City of Dunkirk. The New York State Division of Human Rights processed 14 complaints from all of Chautauqua County in the eight year period from 1988 through 1995. They were unable to provide any specific information regarding the nature of complaints.,

HUD has made no formal finding of violations of the Fair Housing Act, Title VI, or Section 504, or regulations implements these laws, in any federally funded housing or housing-related activities in the City now has HUD placed contract conditions on grants or loans awarded to the City, nor has it denied funding because of evidence of a violation of one or more applicable civil rights laws.

Barriers to Affordable Housing

The potential barriers to implementing an effective affordable housing strategy in the City of Dunkirk are those typically faced by other communities throughout the country. The City has reviewed relevant public policies, assessed potential obstacles to implementing a housing strategy, and suggested mitigation measures where applicable. The City of Dunkirk supports both the purposed and the goal of fair housing and works to achieve these goals by administering federal, state, and local programs. The City also supports the development of

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affordable housing stock which is necessary for fair housing in Chautauqua County's aging housing market.

The City of Dunkirk operates all of its housing related programs and activities free of discrimination. This is the City's policy and is contained in the guidelines and regulations established by HUD which sanction many of these programs. In addition, the City includes anti-discrimination provisions in all of its contracts and agreements. In particular, rental agreements and tax-exempt bond-funded projects contain required anti-discrimination provisions.

In accordance with Section 104(d) of the Housing and Community Development Act of 1974, the City has established a Residential Anti-displacement and Relocation Assistance Plan. The City's Plan explicitly follows Section 104(d)'s requirements with respect to housing replacements, relocation practices, and efforts to minimize the displacement of persons. In order to better provide for the wide range of incomes within Dunkirk, the City's zoning ordinance contains a variety of zoning districts which allow a range of housing types. The City supports a variety of cultural activities and celebrations which honor the diverse groups of its population.

To help identify potential problems and concerns regarding fair housing issues within the City, a community survey was designed and conducted by EastWest Planning & Development, Inc. The survey was administered to various housing providers in the area to solicit their impressions and experiences regarding fair housing issues in the City of Dunkirk. Primary survey respondents were identified by municipal officials. Others were randomly selected by calling housing providers listed in the Chautauqua County phone book. All survey interviews were conducted by telephone. The respondents included representatives from state organizations, local non-profits, and private development firms.

While the analysis of fair housing impediments generally concludes that the City of Dunkirk has undertaken some admirable efforts to advance fair housing choice and increase affordable housing opportunities within the community, it is important to note the absence of a formal structure for fair housing advocacy (information and educational programming) or enforcement and monitoring.

Effective fair housing advocacy and enforcement lies at the heart of a comprehensive program to affirmatively further fair housing. Fair housing planning is not comprehensive if it fails to address the lack of knowledge in the general public and among government and other community officials and leaders about actions constituting discriminatory behavior, fair housing laws, and fair housing objectives.

All of the agencies contacted were involved in housing advocacy or development, support and assistance of low income persons and special needs groups. The responding agencies serve a wide range of special needs populations including developmentally and physically disabled groups, elderly, persons with HIV or AIDS, and homeless persons. All agencies agreed that their organizations were involved with housing in the City of Dunkirk.

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Many of the respondents mentioned local community resistance to development projects which propose affordable or special needs housing. However through the application of fair housing rules and regulation the housing has, most often, been established and successful.

Respondents offered a variety of responses when questioned about their perception of the fair housing climate in the City of Dunkirk. Two of the six respondents did not feel that there were any specific violations of fair housing in the community, while four respondents felt that there were fair housing violations, and were able to cite specific examples. Three respondents mentioned a development that houses 21 families on Main Street which has been targeted for demolition. Eviction notices have been issued even though there is no plan to relocate the current low income residents of the building. The lack of relocation and displacement planning was noted by respondents as a weakness in the current community development process.

Respondents were asked about their experience in the development of affordable housing. Those who had experience developing housing were asked to comment on their experience of the development process. One respondent said that the community was supportive of their plan for a low income housing development, while the other five unanimously agreed that the resistance toward developing low income housing is great. The majority of the respondents felt that Dunkirk's leaders would strenuously resist the development of affordable housing within the City limits. One respondent noted that they seek sites outside of the City limits when developing special needs housing in order to avoid resistance from elected officials and residents.

All respondents felt that the community as a whole shares a negative attitude toward low income people and the Hispanic population in the City. Other recent studies and surveys confirm the respondents' perception of racism as an important problem facing the City of Dunkirk. Racism was ranked as the #6 most pressing concern by Community Challenge participants, and rated as a moderate or serious problem by 59.3% of respondents to the United Way survey. With an increasing Hispanic population in Dunkirk, prejudice has caused polarization between ethnic groups in the City. Participants at the Community Challenge Conference suggested multicultural events, festivals, and other activities to bring people together. They also noted that respect and tolerance should begin with kids in school.

Related to the problem of racism is the lack of cultural awareness in the community. Although two bilingual dispatchers have been added to the police force, there is currently only one Hispanic police officer and no African-Americans.

The officers have not been provided with the sensitivity training necessary to effectively deal with non-white residents. This is particularly apparent as Dunkirk employs a large number of migrant workers and immigrants in the area.

As of February, 2020 the City now has 5 Hispanic Police Officers, 5 Officers who are proficient with being bi-lingual in Spanish and a few more who can speak limited Spanish. All Officers and Supervisors also participate in sensitivity training integrated into their yearly in service training. There are 0 African-American officers.

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The respondents identified a range of efforts to affirmatively market fair housing including development of market studies that clearly demonstrate the need for low income housing, completion of a Farmers Home Administration's affirmative marketing plan, and compliance with HUD's affirmative marketing procedures. One respondent submits an Affirmative Marketing Action Policy to the local media and service providers. A couple of agencies market their services through public education efforts and endeavor to eliminate the stereotypes associated with providing housing for special needs clients. One agency mentioned establishing good relations with their neighbors and open communication systems to reduce confusion and resistance. Other agencies actively advocate for their client to assure fair treatment.

Many of the respondents reported having established policies and practices for managing discrimination complaints. One agency offers translation services for those residents who do not speak English as their first language, to enable them to make complaints. Another respondent uses the fair housing logo when advertising for apartments and encourages all tenants to report allegations of discrimination. One respondent noted that they work with the county-wide Community Housing Resource Board, and offer training on fair housing to both landlords and tenants.

Each respondent reported negative community attitudes resulting from moves into traditionally white neighborhoods by ethnic minorities and people with disabilities. Respondents indicated that the prevalence of these attitudes had sharply increased during the last decade where a notable growth in the Hispanic community had been evidenced. Other respondents indicated that candidates for elective office and other politicians added to negative community perceptions when they stated their opposition to housing development, especially special needs and low income housing development during public meetings and televised candidate debates.

When asked about housing availability in the community, all respondents identified the availability, affordability and quality of housing for large families as a problem. The lack of planned development of new and infill construction prompted a number of residents to predict that the housing shortage would surely worsen in the future as currently available units deteriorated with age, use, and deferred maintenance. Many respondents indicated that Section 8 voucher holders face difficulty identifying units that meet established housing quality standards and pass inspection. Few respondents indicated any awareness of discriminatory lending practices by banks or real estate agents. One respondent credited the banks with providing translators, and training for first-time low income homebuyers.

Respondents were asked for recommendations of programs or initiatives which might improve the fair housing climate in the City of Dunkirk. One respondent felt that there should be more training for tenants on their rights and responsibilities. Another respondent felt that the building inspector should be commended and supported for taking a pro-active stance.

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Public perceptions and ignorance

Proponents of affordable housing are increasingly confronted with community opposition that is based primarily on a false perception of specific special needs population to be housed. The public needs to understand that, without the establishment of affordable housing options, an increasing number of people will be left homeless as others struggle with burdensome rent and mortgage payments. Without supervised housing and supportive services for the fragile population (drug dependent individuals, battered women, mentally-ill, etc.), these groups have only the sanctuary of the streets.

This public misperception has dangerously crystallized into the phenomenon known as “NIMBYism” (“Not In My Back Yard”). The NIMBY factor has been used to describe a disturbing trend evident nationwide, where existing residents rally against almost any type of new development that they perceive as inappropriate.

Zoning

While there are some concentrations of low and moderate income housing in the City of Dunkirk with current zoning and related policies and procedures generally appear to have a neutral effect on the existence of such concentrations. The City has prepared a greatly-needed subdivision and property maintenance code to address barriers to housing development and improve code enforcement, but its adoption has been temporarily delayed by the City Council.

In the single family residential zones, requirements for minimum lot size, yard setbacks, minimum dwelling space size, and density restrictions tend to limit new housing development that is only affordable to higher income households. It should be noted however that the zoning is consistent with the pattern of existing single family development in the City. Where there is vacant and developable land within the City, the zoning regulations permit some medium and high density residential development.

The City of Dunkirk reports no adverse court decisions or settlements which affect the jurisdiction’s zoning, building, occupancy, or other policies and regulations relating to the provision of housing for lower income households and persons with disabilities. There are also no known court decisions or settlements relating to housing site selection by the Section 8 administrator, HUD0insured, or private market providers.

Barriers to Community and Economic Development

The following barriers were identified by the City during the 1995 Consolidated Planning process as hindering efforts to revitalize the community. Impediments to economic opportunity are the greatest frustrations facing low income persons who are desperately trying to improve their station in life.

Language differences pose one of the single greatest obstacles for non-English speaking residents. This extends from the classroom to the workplace, doctor’s office, and City Hall.

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Bright, hardworking persons are frustrated and missing opportunities due to the inability to effectively communicate.

Neighborhood Revitalization, Municipal and Other Services

One aspect of fair housing choice is neighborhood revitalization and the provision of good services to areas in which low and moderate income families live. African-Americans, Hispanics, and other urban minorities – who are most concentrated in such neighborhoods – will benefit from better neighborhood environments so critical to good housing.

Frequently, the quality or extent of public services and facilities varies dramatically among residential neighborhoods. Public services and facilities include schools, recreational facilities and programs, social service programs, parks, roads, transportation, street lighting, trash collections, street cleaning, crime prevention, and police protection activities. Lower income, densely populated residential areas too often lack the level and array of services that are provided in less impacted, more affluent neighborhoods. The City has endeavored to equalize services as part of its fair housing planning.

While policies and programs to promote better living conditions in lower income, minority neighborhoods is a significant part of a comprehensive approach to furthering fair housing for lower income minorities, jurisdictions should not focus solely on linking such efforts. Jurisdictions should extend efforts to provide lower income housing opportunities for minorities, families with children, and persons with disabilities to non-minority and more economically advantaged neighborhoods. The City of Dunkirk has undertaken a number of partnership efforts with nearby Fredonia and Erie County to ensure mobility and transportability for low income residents.

In assessing public services available in the City of Dunkirk, there are no apparent inequities in the extent and quality of services and facilities available to all areas within the jurisdiction. Regular trash and garbage collection is carried throughout the City from every household from all neighborhoods once per week.

Parks and recreation facilities in each census tract of the City are well maintained and accessible to households of all income levels. In many instances, parks located in census tracts with the highest concentrations of low and moderate income households have received CDBG funds to assist with park and recreation improvements.

Public Housing and Section 8 Programs

HUD is undertaking several initiatives to change the manner in which the public housing and Section 8 Certificate and Voucher Programs have operated in providing housing choices to minority home seekers. One such initiative is the metro wide or regional FHP. Jurisdictions that participate will work together to establish a centralized, consolidated applicant database through which applicants will be selected to receive housing assistance in all of the assisted housing programs in the metropolitan area. The process is intended to provide an expanded

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selection of offers to persons eligible for housing assistance while at the same time allow them to select an opportunity through the program for which they have expressed a preference (for example, the Section 8 existing housing or voucher programs, public housing, or project-based Section 8 programs).

According to Chautauqua Opportunities, Inc (COI) the local Community Action Agency and coordinator of the County's Section 8 program this regional cooperation already exists in and around Chautauqua County. COI coordinates the Section 8 program county-wide, including in the region's urban centers: Dunkirk and Jamestown.

Jurisdictions are also encouraged by HUD to establish a nonprofit clearinghouse mechanism to administer the process. The clearinghouse would provide counseling and other services, if possible, to encourage participants to look for and select housing in a wide variety of locations, including those outside low income and minority areas. AS a principal coordinate of community based services in the County, COI offers virtual one-stop-shopping for low and moderate income residents seeking services. On-site services include Section 8, housing programs, weatherization, WIC, and Headstart in addition to a range of supportive services programs for homeless persons and others with special needs.

Section 8 Program Administration

The HUD Section 8 rental program is viewed by the City of Dunkirk as a terrific "win win" opportunity for many. Locally, they encourage those on Section 8 to participate in the Family Self Sufficiency program; however program administrators indicate that many participants are discouraged because they lose benefits before they are ready for self-sufficiency.

COI operates a Section 8 program with application, tenant selection and assignment policies approved by HUD. The program offers all written material in English and Spanish and has bi-lingual staff available to assist with application processing and selection. Currently COI has 1,600 people on its waiting list for the 900 vouchers it administers county-wide. COI has identified no concentration of tenants by race or income in its program – except to the degree that minority family members have elected to live in proximity to each other.

COI encourages the participating of disabled persons in the Section 8 program by advertising and networking with organizations who serve disabled residents and by maintaining a listing of accessible properties. CI has an administrative plan which describes policies and procedures, including policies which advance housing opportunities for disabled persons. The plan is updated regularly and circulated for comment and review prior to adoption.

It is the perception of COI that minority concentrations in the Jamestown and Dunkirk areas occurs primarily by tenant choice, rather than steering on the part of the program administrator or landlords. Section 8 voucher holders are able to select any affordable residence that meets housing quality standards. COI has no role in the tenant's ultimate selection of housing. COI does maintain a landlord list but offers no recommendations to tenants about which landlord or housing facility to select. COI also offers realtors a bulletin

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board in their offices where they may post any and all vacancies for prospective tenants to review.

COI maintains an active partnership with the surrounding region, especially Erie County and works cooperatively to ensure that voucher holders have optimal mobility and transportability. COI reports that few people “transport out” of the Dunkirk area because almost all of the surrounding areas offer less affordable housing. Currently, COI estimates that there are between 10 and 20 families who have “transported in” to the City of Dunkirk. The exception to this trend is large families who find it very difficult to locate affordable large rental units, and are compelled to look for housing outside of the City limits. COI indicates that many larger families eventually locate housing outside of the City of Dunkirk. In some instance where the family is non-English speaking COI has advocated with the local school district and to service providers to ensure accessible service are provided in the family’s new community.

COI assists all voucher holders to find suitable housing by offering a range of supportive programs including free inspection services, weatherization service, transportation and case management. For homeless clients and families they offer a range of re-housing service including assistance in reviewing and negotiating leases. COI offers information to all housing seekers regarding public and community facilities located nearby including schools, day care, health and welfare and other social service agencies, employment centers, and public transportation.

Dunkirk Housing Authority

The City of Dunkirk Housing Authority (DHA) develops policies and programs in full compliance with established HUD guidelines. Anyone can apply regardless of current residency; the household is given a number and put on a waiting list according to numbers of bedrooms needed. When their name comes to the top of the list, the housing authority completes verification of income, police check, credit check, landlord reference (of the previous 5 years) and a home visit. Eligibility is determined based on the result of this selection process.

The Executive Director of the DHA reports that most tenants are **165** Hispanic, **42** white, **24** African-American (**3 vacancies**) with but does not view this situation as representing a pattern or concentration of minority residents. The director reports a recent increase in the number of **Hispanic white families (due to hurricanes and earthquakes in Puerto Rico. Families leaving the island in a state of emergency)** making applications. Efforts to actively desegregate the units are difficult because placement depends on where tenants fall on the waiting list. DHA makes every effort to balance the units they administer but reports that many minority community residents select units in areas of minority concentration to be near friends or family (**or other support systems like churches, schools, walking distance from local resources**)

DHA has 235 units with six wheelchair accessible apartments and maintains a waiting list for these apartments. Physically disabled persons receive a preference for these apartments, but the DHA will not hold a handicapped accessible apartment vacant if there is no waiting list.

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The DHA Director reports receiving two complaints about fair housing issues within the last 2.5 years. In both instances the issues were successfully mediated internally and did not result in formal complaints being filed.

Applicants at the DHA are allowed to state a preference for a specific housing unity or location. The DHA makes every effort to accommodate tenant choice. If the applicant refuses a certain placement they will be placed at the bottom of the list. The department does not give preference o local residents, anyone may apply. The last Section 504 evaluation was completed more than 2.5 years ago. Self-assessments have taken place annually since that time.

Sale of Subsidized Housing and Possible Displacement

In the sale of subsidized housing, the objective should be to preserve lower income housing opportunities to the maximum extend feasible. However, if any displacement of currently minority of disabled low income families occurs, the objective then should be to provide other housing opportunities to displaced households by giving them a real choice to relocate inside and outside minority neighborhoods or predominantly minority occupied buildings. Because a relocation plan often places sole reliance on the provision of certificates and vouchers is essential.

DHA currently has no plans to sell any of their housing. The Director is interested in exploring the possibility selling some single family properties to current tenants and using the money to provide new services to the project tenants. If any public housing tenant were placed in such an initiative, they would be given maximum feasible choice in relocation, within the limited amount of housing available.

Property Tax Policies

As incorporated governmental units in the State of New York, cities are permitted to exempt real property from taxation to the extent permitted by New York State laws. These exemptions enhance the affordability of housing for the city's less affluent residents.

Article XVI, Section 1 of the New York State Constitution, which provides that the power to tax rests exclusively with the Legislature, also permits the State to enact laws delegating to local government the power to impose specific taxes. Additionally, under New York State's Constitution, exemptions from taxation may only be given pursuant to general law approved by the State Legislation and the Governor. New York State has enacted many laws creating mandatory and permissive exemptions from taxes on real property.

Under certain statutes, housing created under programs designed to benefit populations with special needs and low income households, including public housing, is exempt from taxation. This has the effect of reducing the amount of rent necessary to meet the expenses of the project. Other legislation makes possible tax relief for low income senior citizens.

Current real property taxation policies may also be barriers. Cities assess new construction and improvements to buildings thereby raising the tax bills of the owner. This often discourages

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significant residential expansion. Buildings in disrepair often have their assessments reduced and pay lower taxes. In order to encourage good maintenance of the structures, new tax laws and policies must be established that penalize those who do not properly care for their real estate and reward the efforts of those wishing to improve the housing stock.

Tax Exemptions for Affordable Housing Project

Exemptions from taxation exists under the State's Private Housing Finance Law and Public Housing Law as referenced in Real Property Tax Law Section 414 for real property owned by municipal housing authorities.

Tax Exemptions for Special Population Groups

Improvements made to a one, two, or three family residences to facilitate and accommodate its use by a physically disabled person who resident there, whether as the owner or a member of the owner's household, may increase the value of the property and result in a higher assessment. Real Property Tax Law Section 459 allows counties, cities, towns, or villages to adopt a local law after a public hearing, or a school district to adopt a resolution, which exempts from taxation improvements made to accommodate a resident's disability.

Municipal corporations may adopt local laws exempting from taxation to the extent of fifty percent of the assessed valuation thereof, property which is owned and used exclusively for residential purposes by, and is the legal resident of, persons aged 65 years and over. This statute (Real Property Tax Law 467) further provides income limitations on eligibility for this exemption and a sliding exemptions scale, thereby ensuring that these benefits are targeted to low income households. Veterans exempting is authorized under the Real Property Tax Law 458. There are no income limits imposed on the veteran who has exemptions from 15% to 100%.

Tax Exemptions for Conservation of Resources

In addition to exemptions which act directly to reduce the tax burden of low and moderate income households, certain exemptions reduce housing costs in other ways.

Section 487 and 487-a of the Real Property Tax Law encourage the installation of equipment and materials which conserve energy. Real property which includes a solar or wind energy system approved in accordance with Real Property Tax Law Section 487 is for a period of fifteen years exempted from taxation to the extent of any increase in assessed value realized from the solar or wind energy installation. This exemption is mandatory for solar or wind energy systems existing or constructed prior to July 1, 1988 or constructed subsequent to January 1, 1991 and prior to January 1, 1996, except that localities and school districts may adopt laws or resolutions providing otherwise for systems constructed after January 1, 1991.

Insulation and other energy conservation measures added to one, two, three, or four family houses qualifying for financing under a home conservation plan pursuant to New York's Public Service Law, or for any conservation related State or federal tax credit for deduction are exempt

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from real property taxation under Real Property Tax Law 487-a to the extent of any resulting increase in the value of those homes.

Community Development Block Grant Program

Since the time the City of Dunkirk attained entitlement status under the Community Development Block Grant (CDBG) program it has focuses on redeveloping deteriorated housing. With the involvement of neighborhood agencies, the City's CDBG Program responded to the needs of neighborhoods by renovating existing but deteriorated housing and repairing substandard housing conditions dangerous to life, safety, or health.

With a clear focus on the CDBG Programs primary objective, to provide decent housing and a suitable living environment for persons of low and moderate income, the City of Dunkirk implement a five year consolidated plan in 1995. Starting in 2017 the City of Dunkirk has moved to submitting a three year Consolidated Plan.

Summary of 2018 – 2020 Consolidated Plan 3-Year Program

The City of Dunkirk's three year plan was developed with significant public participation, which was obtained through a combination of surveys, stakeholder and public meetings. Through this process, the City has identified six priority needs for the community and focused its efforts and allocated its resources to projects which emphasize:

1. Quality, affordable housing
2. Economic development
3. Children's after school/education programs
4. Community outreach
5. Infrastructure/pedestrian infrastructure
6. Recreation opportunities

These needs are ranked in approximate order of need, and were determined through our public engagement efforts for this Plan as well as our consultation with local organizations and non-profits. The top two priority needs, Quality, affordable housing and Economic development, stand apart as the two most fundamental issues in Dunkirk. *Many Dunkirk residents simply do not have good enough housing and do not have access to adequate economic opportunities.* These two issues are related and underlie most other issues in our community.

The goals for the CDBG program for the next three program years aim to address these needs. The Consolidated Plan's 2018 - 2020 annual budget allocates approximately \$480,000 per year. Of this total typically, 41% will be spend on housing programs; 18% on public facilities; 7% on general program administration; 28% on infrastructure; and 6% on youth/education programs.

The City anticipates that planned owner and rental housing rehabilitation projects will improve housing choice and availability. These CDBG programs have focused on similar moderate and low income neighborhoods with the same objective of preserving and maintaining affordable housing and the neighborhood environment. As part of its Consolidated Plan, the City of

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Dunkirk has forged a long term commitment to retain this direction for the expenditure of federal community development block grant and state funding.

The Strategic Plan contained within the 2018 – 2020 Consolidated Plan outlines how the City hopes to address community development needs presented above. The goals for the period of time covered by this Consolidated Plan include:

- Provide safe, affordable housing
- Creative economic development solutions
- Provide education programming for students
- Improve pedestrian infrastructure
- Improve community outreach
- Enhanced recreation opportunities

These goals mirror the priority needs outlined below. While meeting these goals will not address every challenge the community faces, we hope that they will help guide our CDBG efforts in the coming program years to improve our community.

In thinking through geographic priorities for the coming program years, we have reached the conclusion that outlining specific principles rather than outlining specific target areas will provide the most flexible and effective focus of funding allocation for future program years. These principles include:

- leverage existing assets, including parks, the lakefront, public institutions, and other neighborhood-specific amenities
- leverage additional sources of funding
- look for opportunities where CDBG funding can be a catalyst for additional improvements in a particular area
- utilize funds in areas with obvious need - avoid projects in areas where need is not apparent
- invest with measurable outcomes in mind

Composition of the Planning and Zoning Boards

There is currently one Hispanic woman on the Zoning Board and one African American woman on the Planning Board in the City of Dunkirk. Each board has five members who are appointed by the mayor and confirmed by the Common Council.

UPDATE: As of February, 2020 there the Planning Board is all male and consists of 4 Caucasians and 1 African American. The Zoning Board is made up of 3 Caucasian males, 1 African American male and one Hispanic female.

The Degree of Segregation

The ethnic composition of the City of Dunkirk has changed dramatically over the last decade. In 1980, minorities accounted for 11.5% of Dunkirk's population. According to the 1990 Census, non-whites now account for about 18% of all residents. The increase can be attributed

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primarily to growth in the number of Hispanics in the City. Between 1980 and 1990, the Hispanic population in Dunkirk increased by nearly fourfold. Representing 3.5% of the total population in 1980, Hispanics now make up 14.7% of all Dunkirk residents. Many of these individuals are migrant laborers working in the expansive agricultural and food processing industries in Chautauqua County.

To some extent, racial and ethnic minorities are concentrated in certain neighborhoods. Census tract 355, for example, accounts for 24.3% of Dunkirk's population as a whole, but 31.7% of all Hispanic residents and 44.4% of all African-American residents.

Given that households headed by African-Americans or Hispanics in Dunkirk are far more likely to be low or very low income than those headed by whites, it is perhaps not unexpected that areas of low income concentration and areas of minority concentration overlap. More than 57% of households in census tract 355 are low and moderate income, compared to 47.3% for the City as a whole. Census tract 355 also has a disproportionate number of very low income households.

Institutional Practices Within the Real Estate Industry

Government policies and procedures that regulate, monitor or otherwise impact on rental, sales, and property insurance practices can play a significant role in promoting fair housing choice. Where private sector practices appear to discriminate or otherwise contribute to restricted housing choice, the City of Dunkirk should seriously consider reviewing their current policies and procedures to determine what, if any, changes might be made to strengthen their role.

Lending Policies and Practices

Initiatives to revitalize neighborhoods are severely constrained by the unwillingness of many financial institutions to invest in declining and deteriorated neighborhoods. The presence or absence of sustained residential and commercial investment by banks and other financial institutions in low income and minority neighborhoods is the most important factor in maintaining neighborhood vitality. Without investment in mortgage and home improvement loans, residential areas decline rapidly. Without investment in small and disadvantaged businesses, many neighborhood commercial enterprises cannot thrive.

HMDA and FDIC Data Analysis

In order to provide a full picture of the lending climate in the City of Dunkirk as it relates to the enhancement of fair housing the City's consultant undertook an analysis of Home Mortgage Disclosure Act data and Federal Depository Insurance Corporation data for the community.

The following lending institutions are required to report under the Home Mortgage Disclosure Act:

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- All depository institutions with assets of at least \$10 million and one branch in the MSA in question
- Mortgage company affiliates of banks, bank holding companies, and service corporations
- Independent mortgage companies with assets greater than \$10 million
- Small mortgage companies that originate 100 or more home loans per year

For each application received a lender must report:

1. Disposition of application, was loan: originated, denied, withdrawn by applicant, purchased by lender (instead of originated), approved but not accepted by applicant, or was the file closed due to incompleteness
2. Reason(s) for denial, was the loan not granted because of: debt to income ratio, employment history, credit history, collateral, insufficient cash, unverifiable information, incomplete credit application, denial of mortgage insurance, or some other (unspecified) reason. (Note: only banks regulated by the Office of Thrift and Supervision (OTC) are required to report reasons for denial).
3. Type of financing applied for either: Federal Housing Administration (FHA), Veterans Administration (VA), Farmers Home Administration (FmHA), or conventional.
4. Purpose of loan, was it for: 1-4 family home purchase, 1-4 family home refinance, 1-4 family home improvement, or multifamily dwelling
5. Dollar amount of the loan
6. Occupancy, will the property be: owner occupied as a principal dwelling, not owner occupied, or not applicable because property is multi-family
7. Race of applicant and co-applicant is each: White, African-American, Hispanic, American Indian/Alaskan, Asian/Pacific Islander, or Other (non-specific) race
8. Sex of applicant and co-applicant
9. Family income of applicant
10. Census tract where property is located
11. Purchaser of loan, was it: The Federal Home Loan Mortgage Company (FHLMC), the Federal National Mortgage Association (FNMA), the Government National Mortgage Association (GNMA), the Farmer's Home Administration (FmHa), an affiliate institution, a savings bank or association, a life insurance company, a commercial bank, or was the loan originated/not sold in the reporting year.

The FDIC conducts an annual survey of banking office deposits as of June 30. Survey results for individual banking offices, by state, are published in six individual office Data Books. Aggregate data for the U.S. states, counties, and other areas are published in the national Data Book.

Data on the distribution of deposits were obtained for each bank, and each U.S. brand of a foreign bank, and for each banking office of branch banking system, to provide a means for measuring the deposit structure in local banking markets. Deposits figures for unit banks were taken from the June 30, 1994 Reports of Condition.

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Loan to Deposit Ratio Analyses

The loan to deposit ratio analyses compare the level of deposits in a local branch with the amount of home mortgage loans by that bank in the census tract the branch is located. The ratio tells us the percentage of deposits that are returned to the community in home mortgage loans. By comparing loan to deposit ratios between high income census tracts and low-income census tracts, it can be determined whether or not the bank is favoring high income tracts over low income tract in lending. A case where the loan to deposit ratio is significantly higher in the high income tracts may indicate a problem of discrimination by income.

However, the analyses that have been prepared as part of this impediments analysis do not take into account a variety of factors which may influence lending decisions, such as credit history or income and asset levels or prospective borrowers. Furthermore, the analysis may group disparate areas (low and high income neighborhoods) into census tracts which may mask other lending disparities.

An important detail to note is that in selecting the census tracts to compare, it was often necessary to use census tracts which were merely above or below the municipality median income level. The preference would have been to use census tracts with median income above 120% of the municipality median income level to represent high income tracts, and census tracts with median incomes below 80% of the municipality median income to represent low income tracts. However in many cases, there were only a few or no census tracts with median incomes about 120% or below 80% of the municipality median.

Similar limitations affected the comparison of census areas by ethnic distribution. A preferable approach would have included a comparison of census tracts whose populations are mainly white with census tracts whose population is mainly non-white. This additional analysis was not possible because there are no primarily non-white census tracts in the municipality.

In all of the loan to deposit ratio analyses, two versions are provided. One version includes all home mortgage loans provided by the bank and its "related institutions", such as mortgage corporations. These "related institutions" are not covered under the obligations imposed by the Community Reinvestment Act (CRA) and are thus often excluded from analyses. However, lending by these institutions does play a role in the communities involved. Cases where lending by the "related institutions" far outweighs lending by the bank branches may present a problem for a community since only the bank branch lending is mandated under the CRA. The "related institution" lending could disappear and there would be little the community or the government could do about it under current law. Therefore, all of the analyses are provided with and without the "related institution" lending.

Total Lending Analysis

In Dunkirk there was only one census tract with a median income below the Dunkirk median that had a bank located in it. There were also no census tracts below 80% or above 120% of the Dunkirk median income level. Thus all tracts used are either above or below the Dunkirk

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median income level. The loan to deposit ratio in the higher income tracts however, is 3.4 times the ratio in the lower income census tracts. This is not as wide a disparity as in some other municipalities, however it can still be considered a possible problem. Again, the analysis cannot detect wider levels of disparity between higher and lower income neighborhoods within the census tract.

Bank Branch Lending Analysis

“Related institution” lending makes up over 50% of the lending for two of the five banks included in the analysis. Again, this may be a problem for those communities relying on their lending. However, detracting the related institution lending alters the loan to deposit ratio, but does not erase the disparity. For bank branch lending the higher income tracts have a ratio 2.8 times higher than the ratio for the lower income tracts. As stated above, this is not as dramatic a disparity as seen elsewhere; however it may still be considered a problem. Again, the analysis cannot detect wider levels of disparity between higher and lower income neighborhoods within the census tract.

Rejection Rate Analyses

Two separate rejection rate analyses were prepared for the City of Dunkirk. One of the analyses compares rejection rate in census tracts with median incomes below the municipality median income level with the rejection rate in census tracts with median incomes above the municipality median income level. Again, the preference would have been to use census tracts with median incomes above 120% and below 80% of the municipality median income level, but these tracts often did not exist. The purpose of these analyses is to judge whether or not the lending institutions are discriminating against residents of “low income” communities as shown in high rejection rates relative to those for “high income” communities.

The other analyses compare rejection rates for whites with rejection rate for non-whites in both the “high” and “low” income census tracts. The purpose of these analyses is to judge whether or not there is a racial discrimination in home mortgage lending in either type of community. Rejection rates for non-whites that are considerably higher than those for whites may indicate racial discrimination. However, the analyses were unable to control for other factors such as income levels and credit history, thus the findings must be tempered. In addition, the low level of non-white applications in the municipality makes any analysis very difficult and tenuous. However, the Community Reinvestment Act requires that lending institutions take affirmative action to recruit non-white applicants through advertising and modified services. Therefore, the low non-white application levels may present evidence of failure to comply with the Community Reinvestment Act and indicate discrimination in itself. Although, without analyzing the individual institutions’ efforts to recruit non-white applicants, this cannot be assumed.

Both types of analyses may be masking wider disparities within the municipality. By conducting the analysis at the census tract level, the results could be missing greater levels of disparity between lower income and higher income neighborhoods within the tract itself. In

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addition, by using an average rate for several institutions within a municipality, the analysis could be ignoring greater disparity levels between branches of a single institution.

Low-Income vs. High-Income Rejection Rates

The rejection rate in the lower income tracts is 1.3 times the rejection rate in the upper income tracts. This is not a major difference but it may mask different levels of disparity at the neighborhood level. The existence of only one bank in a "low income" census tract also limits any analysis. There are no institutions in the analysis with branches in both the higher and lower income tracts so no institution specific rejection rate comparison is possible.

Racial Rejection Rate Comparison

The rejection rate for non-whites is actually lower than the rate for whites, thus there does not appear to be any racial discrimination. However, the small non-white sample and lack of control for other economic factors makes it difficult to reach any conclusions.

Community Reinvestment Act and Fair Housing

Critical to housing choice is the availability and affordability of financing on a non-discriminatory basis. The Community Reinvestment Act (CRA) requires financial institutions to more clearly document and show results of their efforts to provide mortgage financing on a non-discriminatory basis as well as efforts to enhance affordability to low and moderate income households.

The consultant reviewed material available from the primary banking institutions serving the City of Dunkirk to obtain information on their CRA initiatives and compliance with Fair Lending Laws. The following reflects the types of initiatives and products and services offered by these banks to comply with the CRA and Fair Lending Laws.

Lake Shore Savings Bank

In 1994 Lake Shore Savings Bank set up a program with Dunkirk Core Area Preservation Organization. The preservation group obtained grant funds to pay for down payment and closing costs on home purchases. The bank made financing available for home purchase and established a special agreement with their PHI for risk share. In addition, Lake Shore Bank works with Chautauqua County Rehabilitation, Inc. as a sponsor bank to obtain grant funds from Federal Home Loan Bank Board which resulted in \$237,000 in initial funding for rehabilitation activities. A second grant of \$250,000 is expected in a second round. In addition, the bank works with SONYMAE to provide financing for low and moderate income households under two SONYMAE programs, and provides an annual seminar on SONYMAE programs with a SONYMAE representative as a speaker at this session. Lake Shore Bank also assists Chautauqua Opportunities, Inc on a case by case basis to assist households in home purchase financing.

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Lake Shore Savings Bank established a rental rehab 60/40 program with the City of Dunkirk to provide assistance to low and moderate income households. Although the bank has made program availability, activity has been limited. The bank is a founding member of the Community Lending Corporation which assists families of low and moderate income.

Through its Community Reinvestment Fund, Lake Shore Savings Bank provides grant funds to assist various organizations, including Meals on Wheels, local Fire Department medical team and educational programs in schools.

Key Bank

Compliance with Fair Housing Laws: In its 1995 CRA statement, Key Bank reports that through the efforts of its Board of Directors, Senior Management, Compliance Department, Audit Department, CRA Committee, CRA Program, CRA Officer Outreach Program, Key Councils, First-time Homebuyers Clinics and Marketing and Advertising Department, Key Bank has:

- “developed program and practices which ensure the solicitation of applications from all segments of our communities, especially the low-to-moderate income neighborhoods within our local communities”
- “developed written policies, procedures, and training programs that assure Key Bank does not illegally discourage or pre-screen applicants; and”
- “regularly assessed the adequacy of our nondiscriminatory policies, procedures and training programs through internal reviews and management reporting mechanisms. We are confident that we are in substantial compliance with all provisions of the anti-discrimination laws and regulations including the Equal Credit Opportunity Act, Fair Housing Act, Home Mortgage Disclosure Act, and any agency regulations pertaining to non-discriminatory treatment of credit applications”
- “created a Fair Lending Task Force which monitors implementation of the bank’s process established for the purpose of ensuring fair and equal treatment of all credit applicants.”

It also should be noted that throughout 1994 Key Bank conducted second reviews of all minority home purchase and all HMDA reportable applications which were declined by underwriters. This process has been further enhanced in 1995 to ensure all protected classes received a second review of declined applications.

Community Development and Outreach: Under Key Bank’s Officer Outreach program, for the past three years, all customer contact officers are required to meet on a monthly basis with community leaders, not-for-profit housing agency representatives, and various government officials. Through this process reports are generated on the special needs and services of local communities, but not limited to, low-to-moderate income segment of their communities.

External Support Services: As part of its CRA efforts, Key Bank utilizes the services of an independent consultant to provide geo-demographic accounting reports of the banks’

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deposits/lending relationship and other pertinent demographic information in all the bank's local communities.

Products, Services, and Marketing: Key Bank has several product and services to help low and moderate income households. Examples of these products and services include:

- Home Assist Program. Recently Key Bank announced a new homeownership program called Home Assist. Under this program Key Bank will contribute 2% (up to \$1000) of the home's purchase prices for a customer's down payment with no repayment necessary. The client must contribute a minimum of 3% of the purchase prices as a down payment. Other features include allowance of a higher debt-to-income ratio and mandatory homeownership counseling.
- Key Ownership Program. This program offers a 30 year fixed rate mortgage, which in most cases requires only a \$400 down payment on homes assisted through grants provided by New York State's Affordable Home Ownership Program or through grants provided under HUD's Affordable Housing Programs
- Community Home Improvement Rehabilitation Program. The interest rate on this program for qualified applicants is 2.5% to 3% lower than Key Banks' standard home improvement loan.

In addition, Key Bank is providing the construction financing for a county-wide program operations by Chautauqua Connections and COI to develop a new facility build along Route 60 in Dunkirk areas and will provide for an increase in services. Types of activities include Head Start day care, adolescent pregnancy prevention, pre-natal care, etc. In addition to Key Bank participation cited above, funding is being provided by the Department of Agriculture Rural Development Services, Northern Chautauqua Community Foundation, and the Gebbie Foundation.

M&T Bank – Manufacturers and Traders Trust Company

CRA Committee. The CRA Committee meets bi-monthly with the CRA Officer and senior-level representative of the Consumer Lending, Marketing and Small Business Departments.

The CRA Steering Committee meets monthly. Its members include a representative for Residential Mortgage, Small Business and Commercial Banking, Marketing, Corporate Compliance and Communication. This group represents the working body which is responsible for the development and implementation of CRA related initiatives for the bank. IN addition to internal meetings, the committee meets regularly with community leaders and non-profits to ascertain unmet community and organization needs.

Meeting Community Credit Needs. M&T Banks believes that one of the keys to revitalizing our urban neighborhoods is increasing owner-occupancy. M&T is committed to meeting these special needs particularly through participation in public/private partnerships.

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Downpayment and Closing Cost Assistance Program. In 1994 M&T developed a Downpayment and Closing Cost Assistance Program. Under the program, first-time home buyers are able to purchase a home for as little as \$500 down, with the balance coming from a 5 to 15 year unsecured loan.

2-1 Lender Program. This program lowers the annual interest rate by 2% for the first year and 1% for the second. This helps more buyers qualify by reducing monthly payments for the first two years.

Community Home Buyer's Landlord Program. This helps buyers to earn rental income on their property, which in turn, assists them in meeting their monthly mortgage payments.

Marine Midland Bank

UPDATE: In October, 2016 First Niagara Bank (formerly Marine Midland) merged with Key Bank.

Community Bank (formerly Fleet Bank)

Fair Lending Policy Committee. Bimonthly meetings of the Fair Lending Policy Committee are held to review the corporation's compliance with federal and state laws and regulations that govern fair lending. Senior executives from many departments, including community development, sit on the committee and review regulatory developments and formulate fair lending policies and practices consistent throughout Community Bank.

Products and Services:

- SONYMAE Community Revitalization Program. This unique mortgage product is designed to promote homeownership for low-moderate income homebuyers purchasing property in targeting areas who do not meet the requirements of the SONYMAE, Fannie Mae (FNMA) and other Secondary Market Affordable Mortgage Programs, but are believed to be creditworthy based on non-traditional underwriting guidelines. The program offers terms up to 30 years, below market interest rates, nontraditional underwriting guidelines, 2% down payments, and reduced closing and legal costs.
- Low/Moderate Income Residential Mortgage. This program is also targeted to low-and moderate income homebuyers and utilizes nontraditional underwriting guidelines. Unlike the SONYMAE Community Revitalization Program, properties do not have to be located in target areas for applicants to qualify for this mortgage product.
- Community Housing Organizations. Community Bank recognizes the Community Housing and Development Organizations (CHDOs) as an integral part of the affordable housing infrastructure that exists in New York State, and offers a variety of programs that provide support services to CHDOs.

Real Estate Professionals

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To broaden the perspective on fair housing, interviews were also conducted with major real estate agencies and housing developers serving the City of Dunkirk and surrounding areas. The consultants contacted Coldwell Banker, Northern Chautauqua Realty, ERA Realty, Midtown Realty, and Century 21 Real Estate. All of the real estate professional contacted displayed knowledge of fair housing issues and remarked that their offices hosted at least annual training sessions for agents and brokers. Additional training is offered periodically by the local Association of Realtors and by the State University of New York at Fredonia. Two of the firms indicated that they conducted internal tests of agents on fair housing and other critical professional issues. Most of the firms maintained internal fair housing policies and reported that they closely supervise and monitor staff for conformance with state and federal fair housing laws.

The experience and practices of Hunt Real Estate were found to be representative of the profession and are summarized below as a case study.

Hunt Real Estate, a member of National Real Estate Association, services the counties of Eri, Niagara, Cattaraugus, and Chautauqua with 14 offices. In order to become a real estate agent, one must take the New York State course on fair housing laws, a course which is usually offered by local real estate teaching vendors. Hunt also requires attendance of agents at a fair housing course on an annual basis.

Hunt Real Estate advertises for prospective agents in all local newspapers, including ones targeted for various demographic groups. It also works with the Association of Realtors in sponsoring minority candidates to become real estate agents. While an exact percentage could not be specified, it was estimated that between 5 and 10 percent of the agents working for Hunt were minority. Women comprise about 75% of the agents.

Hunt does not assign agents to a particular office. Real estate agents are independent contractors and Hunt believes it is up to the agent to choose where he or she wishes to work. With 14 offices, agents have a wide choice of locations. Hunt holds first time homebuyer seminars throughout the year, usually every two months and monthly during the busy season. The agency also provides some of its information in Spanish.

In addition to its involvement in the community, Hunt Real Estate has a weekly radio broadcast for one hour at 9:00am on Saturday mornings on station WBEN. It covers a broad range of topics including first time homebuyers, mortgage affordability.

Section 2

Demographic Profile

II. Demographic Profile

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This profile involved the compilation and analysis of 1990 Census data for a range of demographic characteristics including race, color, national origin, age, sex, disability, marital status, and family composition. The analysis also evaluates income data to derive estimates of the number and percentage of households in the area who are extremely low, low, moderate, and middle income.

Community Background

The City of Dunkirk is located in northern Chautauqua County along the southern shore of Lake Erie. The City encompasses an area of approximately 7 square miles and has a population of 12,563 according to the 2010 Census.

Once known as Chadwick Bay, the City of Dunkirk initially developed as a shipping port because of its natural harbor, then grew slowly as lake trade in the harbor increased. In 1837, Dunkirk was selected as the western terminus of a new railroad from New York City to the Great Lakes. Following this announcement, land speculation ensued, and the atmosphere of a boom town prevailed. With the completion of the 453-mile New York and Erie railroad in 1851, Dunkirk grew into a rail transportation and shipping hub, well-suited for development as an industrial center and a primary route for travelers to the west from the eastern seaboard. Immigrants from Ireland, Germany, and other countries settled in Dunkirk, finding work in the City's numbers factories, retail businesses, and railroads.

In recent years, Dunkirk's manufacturing base has steadily declined. The heavily industrialized plants and foundries that once predominated in Dunkirk have either closed or reduced their scope of operations. The downsizing of the industrial base has had a significant impact on the community and its residents. City leaders believe, however, that Dunkirk can utilize its locational assets and natural resources to rebuild the economy.

Demographic Trends

Over the last decade, the City of Dunkirk has experienced a 4.3% decline in population, from 13,131 in 2000 to 12,563 in 2010. The decline is believed to be the result of plant closings that affected the City in the 1980s; however, Dunkirk reached its population peak in 1920, with 19,336, and has been decreasing ever since. In contrast, Chautauqua County as a whole lost 3.4% of its population during the 1980s, and the Jamestown-Dunkirk MSA is rated as among the fastest declining MSAs in the country.

In some respects, demographic trends in the City of Dunkirk have mirrored national statistics. The City's average household size has been decreasing steadily, reflecting the general trend toward smaller families and the increasing prevalence of single parent households. The average household size decreased to 2.46 persons per household from 2.67 in 1980, while the average family size decreased to 3.06 persons from 3.25 in 1980.

Racial minorities continue to make up a small part of the City's overall population base, although most ethnic groups made gains during the past decennial period. In 1990, non-whites comprised 18.4% of Dunkirk's population. According to the 2010 Census, minorities now

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account for 36.7% of the population. The number of Hispanics in the City increased 258.8% during the 1980s and now comprises 30.7% of Dunkirk's population. The number of non-Hispanic African-American residents actually declined to 4.6%. Within the City of Dunkirk, minority residents are concentrated in census tracts 354 and 355, accounting for 20.8% and 25.2% of the total population in each of those tracts.

The change in ethnic composition within the community is nowhere more obvious than in the public school system. The Hispanic and African-American population's now comprise 30% of the overall school system population, a growth pattern which mirrors the community at-large.

Of the students in the Dunkirk Public School system beginning Kindergarten, 52% are minorities (9% African-American and 43% Hispanic) according to the 2010-2011 Chautauqua County School District Profile report by district. This change in race diversification has had an impact on the school, which caused the school system to add many new faculty and courses to the curriculum to address such topics as cultural awareness, English as a second language, and illustrated a need to make greater out-reach efforts to communicate with minority parents.

The median age in Dunkirk increased from 32.2 to 35.2 during the 1980s and has since increased to 38.7 according to 2015 Chautauqua Opportunities Fair Housing report . Well over half of Dunkirk's population is comprised of adults between the ages of 18 and 64. School-aged children represent 17.9% of the total population, a decline of 16.9% since 1980. Consistent with national trends showing growth in the elderly population, the number of individuals over age 65 increased about 10% during the decade, while the 75-and-over age group increased 22.5%. The latter age group, while still a relatively small component of the total population, can be characterized as a transition group experiencing increasing frailty and reduced financial security, requiring additional subsidized housing, nursing care, and other supportive services.

The median household income in Dunkirk in 2018 was \$34,899. In 1990 it was \$20,747, an increase of 47.1% over the 1980 median of \$14,099. Income levels in the City have lagged however, behind Chautauqua County as a whole, which has a median of \$42,429 in 2015, and even further behind the State which has as \$58,003 median income as of 2015. 67% of Dunkirk students are on free/reduced lunch. Figures for median rent and housing values show increases of 68.4% and 34.7% respectively. The relative cost of rental housing in the City has increased at a significantly faster rate than income, impacting negatively on an increasing number of Dunkirk renter households, especially those with low and very low incomes.

According to data from the 1990 Census, approximately 47.3% of households in the City of Dunkirk are low and moderate income (i.e. household with income less than 80% of the median income of the Jamestown-Dunkirk MSA) as defined by the U.S. Department of Housing and Urban Development. Furthermore, 31.2% of all household within the City of Dunkirk are very low income, with incomes less than 50% of the MSA median.

Areas of low-income concentration are indicated in census tracts 354 and 355, each of which had relatively larger proportions of low-income household than in the City as a whole (48.6%

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and 57.3% respectively). Census tract 355 also has a disproportionate number of very low income households.

Consistent with a shift in the City's economic base, the poverty rate among Dunkirk residents is a 22.7%, based on the 2010 Census. This rate far exceeds the county rate of 13.8%, approaching the 19.3% rate of poverty among New York City residents. The number of working poor families in Dunkirk has increased substantially and has had a significant impact on children, nearly one-third of whom live below the poverty level. Approximately 14.3% of all households receive public assistance according to Census figures.

Employment and Transportation Profile

III. Employment and Transportation Profile

From the analysis of economic trends, a generalized employment and transportation profile was prepared which includes a list of major employers by type; an analysis of labor force characterizes including race, occupation, unemployment, and salary level; an identification of employment trends; and a description of the area's major transportation routes in relation to access to job centers.

Linking strategies to expand lower income housing opportunities in nontraditional areas with activities to create new or expanded job opportunities not only helps lower income families, but may help control local labor shortages. Many suburban localities experience labor shortages in the kinds of entry level and other jobs many low and moderate income persons need to become self-sufficient or to improve their economic status. By linking housing with employment, suburban communities can improve their local labor supply.

Transportation

The City of Dunkirk and the surrounding region is well served by highways, with the New York State Thruway (I-90) as the most significant east-west connector to Buffalo and Niagara Falls, New York, and Canada to the northeast and Erie, Pennsylvania and Cleveland, Ohio to the southwest. Routes 20 and 5 parallel the Thruway and provide additional access between the Dunkirk area and points northeast and southwest. The area is accessible to Jamestown, New York and the communities along Route 17 (the Southern Tier Expressway) to the south via Route 60. The region is not well served by highways heading directly east except for Route 17 in the southern part of the County.

The Dunkirk Municipal Airport is a general aviation facility and offers no commercial flights. The Chautauqua County Airport in Jamestown provides commuter connections. Dunkirk residents must travel to the Buffalo International Airport, a one hour drive from Dunkirk, which provides a range of commercial and passenger flight service.

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Conrail and the Norfolk and Southern provide rail service to the region. Amtrak passenger service is currently available only in Buffalo. Transportation was identified as the #15 priority at the Community Challenge conference. It is known throughout the community that residents have a difficult time getting to doctor appointments, jobs, shopping and from one service area to another. In addition, it is extremely difficult for handicapped or elderly persons to use the public transportation system.

Chautauqua Area Regional Transit System (CARTS) provides bus transportation within the City of Dunkirk and to surrounding areas of employment including Jamestown, Falconer, Celeron, and Lakewood. As of August, 2019 CARTS announced that they will expand services to include Saturdays.

The Dunkirk /Fredonia area is the largest urban concentration between Buffalo, New York and Erie, Pennsylvania. Exit 59 of the NYS Thruway (I-90), located approximately two miles from Dunkirk's central business district, and directly connects to Route 60 and Vineyard Drive (which becomes Millard Fillmore Drive in the City of Dunkirk). Traffic counts at Exit 59 reinforce the perception that the Dunkirk area is oriented toward Buffalo, New York with significantly more traffic passing the exit heading northeasterly toward Buffalo, than towards Erie, Pennsylvania.

Route 20 provides additional east-west access to the Village of Fredonia as does Route 5 (Lake Shore Drive). In addition, Route 5 has been designated by New York State as part of the Seaway Trail. This attractive by-way starts in New York's North Country and parallels the St. Lawrence River, Lake Ontario, and the Lake Erie shoreline.

Economic Trends and Employment Profile

Consistent with many manufacturing-based communities in the northeastern U.S., Dunkirk and the northern Chautauqua County region have experienced a staggering number of business and industrial closings since the mid-1980s. Those closings include the following:

<u>Company</u>	<u>Year</u>	<u># of Jobs lost</u>
Koch's Brewery	1985	65
Kraft Foods	1986	320
True Temper	1986	200
Roblin Steel	1986	200
Plymouth Tube	1986	50
Meadowbrook Dairy	1987	15
Great Lakes Color Printing	1990	350
King Windows	1991	15
Alumax Extrusions	1993	185
Ferranti Packard	1994	75
Al Tech Specialty Steel	2001	380
NRG Power	2016	64

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In total, nearly 2000 jobs have been lost. This list does not include smaller firms or extensive layoffs at plants resulting in permanent work force reductions. Additional lay-offs in the northern Chautauqua County area have occurred at Dunkirk Radiator (70 jobs), Special Metals (15 jobs), and CPS (100 jobs). In Chautauqua County overall, approximately 2600 manufacturing jobs were lost between 1990 and 1993, according to the NYS Department of Labor.

The heavy manufacturing plants in the Dunkirk area have largely been replaced by private-label food processing facilities such as Cliffstar and Dunkirk Ice Cream. These rapidly expanding companies specializing in the production of items such as jams, jellies, barbecue sauces, peanut butter, ice cream, and fruit juices, require workers with few skills and tend to hire seasonally, resulting in many families living on short-term, low-end wages with few benefits.

Dunkirk was once capable of supporting a robust retail, wholesale and professional business sector which served the entire northern Chautauqua County area. However, the advent of numerous plant closings, combined with the ease of commute to the Buffalo area and the availability of tax-free shopping in nearby Pennsylvania, has dealt a severe economic blow to the retail sector in Dunkirk. Few new commercial structures have been built in recent years. The decline in retail activity in the downtown business district has reduced employment opportunities and overall prosperity for the City's population.

The civilian labor force consists of individuals aged 16 and older who are employed or looking for work, excluding those enrolled in the armed forces. More than 6300 Dunkirk residents, of 58.2% of the City's working-age population, participated in the civilian labor force in 2010. Between 1980 and 1990, the civilian labor force decreased 4.9%. Although the labor force participation rate went up from 57.1% in 1980, the trend was primarily due to the entry of women in the workforce, as the percentage of men in the civilian labor force actually declined, from 77.8% in 1980 to 67.8% in 1990. Moreover, unemployment has been high, with a rate of 11.2% in the City of Dunkirk in 1990 compared to 7.7% in Chautauqua County as a whole.

Approximately one-third of Dunkirk residents who are employed work in the service sector, including 612 in health and 566 in educational services; Brooks Memorial Hospital, Cliffstar Corporation, Fieldbrook Foods, Nestle Purina, and SUNY College at Fredonia are among the area's major service employers. Nearly 1500 residents or 26.3%, work in the area's manufacturing industries, a substantial decline from 2265 in 1980.

Chautauqua County

Total civilian employment within the county between 1980 and 1994 remained fairly consistent at 63,500 and 64,200 respectively (a 1% increase). The unemployment rate decreased from 7.9% to 7.3%.

Between 1980 and 1994 manufacturing employment in the County declined by 20% (17,700 to 14,100) while services increased by 53% (9200 to 14,100) and trade increased by 20% (10,500 to 12,600)

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Service sector employment equaled manufacturing in 1994 closely followed by trade, although service sector and trade pay scales lagged behind manufacturing wages. The New York State Department of Labor indicates that Chautauqua County reported annual average wage rates totaling \$28,300 for manufacturing, followed by services at \$18,400 and trade at \$14,600.

The Chautauqua County Visitors Bureau reports that significant growth in the service sector was reported by tourism and promotion operations. According to the New York State Department of Labor, tourism industry payroll increased sharply from nearly \$18 million in 1976 to nearly \$55 million in 1993, representing a 300% increase. While the annual average salary in the tourism sector was low at \$9217 in 1993, it represents a 200% increase from the average salary of \$4365 reported in 1975.

The Dunkirk Area

The Dunkirk/Fredonia Area is consistently stronger than Chautauqua County as a whole in terms of retail trade, per capita sales, and per capita retail spending, while the County is considerable stronger in the wholesale sector.

Industrial Sector

The City of Dunkirk and adjacent Fredonia community have lost considerable industrial employment over the past four decades. Other primary manufactures fabricate steel, and produce cast iron boilers, specialty glass and ceramics, printing ink, men's suits and trousers, and a full range of food products including juices, ice cream, pet foods, pastries, preserves, condiments, and sauces. Food product manufacturers dominate the local economy with 58% of the jobs. Based on an annual average salary of \$28,300 the projected payroll for this sector ranges from \$93.4 million to \$99.1 million. Major industrial employers (more than fifty employees) provide between 3300 and 3500 full, part time, and seasonal jobs.

Retail Trade

Like many areas of the county, the Dunkirk region grew during the early 1980s. Retail trade increased in the region between 1982 and 1987. The number of retail establishments, number of employees, payroll level and levels of sales increased in the region between 1982 and 1987.

The late 1980s brought a significant reduction in the number of retail establishments and the number of employees working in this sector. Retail sales and payroll continued to increase, but at a slower rate than for the previous five year period (1982 - 1987). In 1992 retail sales were reports at \$164.7 million with payroll valued at over \$20 million. The average annual salary was \$9100 in retail trade sector.

Wholesale Trade

The number of wholesale trade establishments decreased between 1982 and 1992. The number of employees involved in the wholesale trade sector increased significantly between 1982 and 1987, and demonstrated a moderate increase in the level of sales and payroll, and

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number of employees between 1987 and 1992. The 1992 average annual salary in this sector was \$11,500.

Service Sector

In contrast to the trade sectors, sales and payroll levels more than doubled between 1982 and 1992, though the level of increase was not as great between 1987 and 1992 as that in the prior five year period (1982 – 1987). Employment increased by 49% in the decennial period between 1982 and 1992. The number of service sector establishments increased between 1982 and 1987 and then decreased between 1987 and 1992. Annual average salary in 1992 was \$16,200, considerable higher than salaries reported in the trade sectors.

Dunkirk's Downtown

Dunkirk's Central Business District (CBD) reached its peak in the 1920s with a population high of 19,336. Since World War II the community has experienced a decline in the size of population, number of buildings and number of businesses. The community endured significant demolition during the urban renewal period. Proposed redevelopment did not subsequently occur leaving significant areas of the City's urban core vacant. The vitality of Dunkirk's central business was significantly impacted by the development of the New York State Thruway in the 1950s which diverted traffic flow around the city's retail core. Other factors negatively impacting the ongoing growth of Dunkirk's downtown included the loss of industry, urban renewal, and suburbanization. There has been a corresponding contraction in the City's retail marketplace and a significant reduction in the number of downtown businesses.

Housing Profile

IV. Housing Profile

A profile of general housing conditions was developed to assess housing costs and affordability, needs and assets, tenure and vacancy rates; and characteristics of public and private assisted housing available in Dunkirk. The housing profile was derived from 1990 Census data and the city's primary planning documents: FY94 Comprehensive Housing Affordability Strategy and FY95 Consolidated Plan.

Housing Demand

The City of Dunkirk's population decreased nearly 9% between 1980 and 1990, continuing the trend evident over the two previous decennial periods. Projections prepared by the New York State Department of Economic Development indicate that Chautauqua County's population is expected to grow less than one percent over the next decennial period. Based on this forecast, and on the fact that the rate of population decline in the City of Dunkirk during the 1980s exceeded that of the County, it is unlikely that the city's population will increase more than marginally by the year 2000.

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The average household size decreased from 2.67 in 1980 to 2.46 in 1990 to 2.28 persons per household in 2010, reflecting a continuing trend both locally and nationally over the past several decades. The rate is expected to decline more gradually over the next ten years with eventual leveling off after 2020.

Housing Supply

Single family detached or attached is the predominant housing type in the City of Dunkirk, representing 62.7% of the City's current stock. Two-family structures account for 21.7% of the residences. There has been little change in the composition of Dunkirk's housing stock over the last ten to twenty years, as construction activity in the City has been minimal. Building permit data indicate a total of 38 units constructed in the City of Dunkirk over the last five years, and according to Census data, there was a 0.8% decrease in the total number of housing units between 1980 and 1990. Units in structures of fifty or more showed the most dramatic decrease in market volume. Nearly two-thirds of Dunkirk's housing units were constructed prior to 1940, suggesting that without adequate maintenance, repair, and rehabilitation, overall housing conditions will decline.

From the 2019 City of Dunkirk Comprehensive Plan:

Age of Housing Stock

Approximately 57% of the City of Dunkirk housing units were built before 1940, with 82% built before 1960. The City's predominantly older housing stock is a product of its economic and population booms of the early and mid-Twentieth Century. Refer to **Table 10: Housing Stock Age** for a breakdown of the different age categories.

Chautauqua County's housing stock is also aged, but with a larger share of houses built after 1960. In Chautauqua County, 31% of housing units were built between 1960 and 1999, compared to 16% in Dunkirk. The same is true of the comparison communities with a majority of the housing built before 1940.

Table 10: Housing Stock Age				
Year Structure Built	Dunkirk	Chautauqua County	Jamestown	Fredonia
2014 or later	0.20%	0.20%	0.10%	0.0%
2010 to 2013	0.20%	0.50%	0.30%	0.0%
2000 to 2009	0.60%	6%	1.5%	5.8%
1980 to 1999	3%	14%	3.4%	11.6%
1960 to 1979	13%	17%	13.9%	11.4%
1940- 1959	25%	20%	9.4%	17.2%
1939 or earlier	57%	42%	58.6%	48.6%

Source: U.S. Census Bureau, American Community Survey 5-Year Estimates 2012-2016

Having an older housing stock is not necessarily an undesirable trait if a majority of the structures are properly maintained, which can be a significant asset to the community. Conversely, if a majority of structures are not sufficiently maintained, this situation can negatively impact neighborhoods and the community as a whole with cascading effects. A predominantly older housing stock may also be indicative of a sluggish economy, which appears to be evident in the City of Dunkirk. In addition, an older housing stock with pockets of deterioration is likely to result in a lack of suitable choices for recent graduates and young families seeking starter homes requiring limited initial improvements.

Characteristics of Rental Housing

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Rental housing constitutes approximately 35% of the occupied housing stock in the City of Dunkirk, according to 1990 census figures, an increase from 31.2% in 1980. The national figure is approximately 36% rental and 64% owner-occupied. The majority of rental units are in one- or two-family structures, with a typical unit size of two bedrooms. Approximately 1094 units (70.8%) have two or more bedrooms, compared with 1405 (61.4%) in 1980.

As noted earlier, the median contract rent, which does not include utility costs, increased 68.4% over the past decade from \$152 to \$256 from 1980 to 1990. According to 2018 Census estimates median rent is now \$652. The rising cost of rental housing, at a rate which exceeds income growth, may limit the efforts of many Dunkirk households, especially low and very low income households, to find affordable housing in the City.

A survey of recent rental listings in the 2019 City of Dunkirk Comprehensive Plan reveals that prices for rental housing in Dunkirk continue to increase. As shown in the table below, the average monthly rent for a one-bedroom unit in the City is \$538 plus utilities and \$656 for a two-bedroom unit. Three- and four-bedroom units, of which there are few available, have average rents of \$831 and \$844 respectively. The average rent for all units listed is \$641.

Type of Unit / Location	Dunkirk	Jamestown	Fredonia	Chautauqua County
Median Rent	\$641	\$590	\$640	\$619
Studio	\$469	\$380	NA	\$381
1 bedroom	\$538	\$503	\$494	\$510
2 bedrooms	\$656	\$594	\$640	\$627
3 bedrooms	\$831	\$672	\$850	\$728
4 Bedrooms	\$844	\$812	\$729	\$801
5 or More Bedrooms	NA	\$915	NA	\$846

Source: US Census Bureau American Community Survey 5-Year Estimates, 2012-2016.

Currently the City of Dunkirk lacks information on the number of substandard housing units in the community, preventing an accurate assessment of substandard conditions in rental housing. The City does not have an active code enforcement policy, and renter households are often reluctant to report a code violation because they risk eviction. The Southern Tier West Regional Planning Board is preparing a study on the extent of substandard housing in Chautauqua, Cattaraugus, and Allegheny Counties, but the results of the study will not be available for two to three years. Planning Department officials believe, however, that perhaps half of the rental units in the City are substandard, with deficiencies in components such as roofs, porches, foundations, windows, and exterior paint.

To compensate for the lack of data on substandard housing in Dunkirk, the City has undertaken a twofold approach by distributing a brief housing survey to neighborhood groups, agencies,

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and residents and by conducting a field survey of residential neighborhoods in the City to determine the general condition of the existing housing stock.

The field survey was conducted on a neighborhood by neighborhood basis by the Housing Rehab Specialist in November, 1994. Housing conditions were generalized at the block level. No attempt was made to characterize the condition of each individual resident but rather to establish the overall pattern of housing conditions. Housing conditions are generally poor along the lakefront, including Lake Shore Drive and Second Street between Brigham and Roberts Roads, and adjacent to the Cliffstar plant. These areas are occupied by a relatively high percentage of low/moderate households.

According to the Core Area Preservation Company (CAPCO), which administers a Rental Rehabilitation program in Dunkirk, most rental units in the City do not generate sufficient incomes to enable owners to undertake major structural repairs and systems replacements without some form of funding assistance. In the past six years, 141 units have been improved under the program, with a total investment of more than \$946,000. However, due to administrative problems within the organization, the future of CAPCO's Rental Rehabilitation program is uncertain.

One factor in assessing general housing needs within a community is the availability of housing choice. A healthy housing market should provide sufficient opportunities to its residents to secure good quality units that address their particular needs in terms of number of bedrooms, location, and other considerations.

The generally accepted standards for measuring availability in a healthy housing market are vacancy rates in the area of 5% for rental units and 1% for purchase housing. The City-wide vacancy rate for rental housing was just below the norm of 4.9%, but as low as 2.6% in census tract 357, according to the 1990 Census. While the city-wide rate indicates that there is adequate choice within the market, it is interesting to note that the vacancy rate for rental housing in 1980 was 5.7%, suggesting that the availability of rental housing choices is somewhat more limited than in the past. The addition of new rental housing in Dunkirk over the last five years has been restricted to units built by the Dunkirk Housing Authority; there has been no construction of rental units by the private sector.

In general, the availability of three- and four-bedroom units is much more limited than smaller family units. Although the vacancy rate is high among units with five or more bedrooms, there are only 30 rental housing units of this size in Dunkirk, and in census tract 357, which has the largest concentration of these units, there are no vacancies.

Recent rental listings concur with this analysis. More than half of the housing units advertised for rent in the Observer were one-bedroom; in contrast only 8 (8.2%) of the units had three bedrooms and 3 (1.0%) had four bedrooms. No rental housing units with five or more bedrooms were advertised.

UPDATE: from the 2019 City of Dunkirk Comprehensive Plan:

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Housing Vacancy Rates

Of the 5,762 total housing units in the City of Dunkirk, 5,113 were occupied resulting in an 11% vacancy rate, based on 2012-2016 ACS data. It is important to note that the vacancy rate includes all housing units, regardless of whether or not they are available for occupancy for a variety of reasons including, but not limited to model units, manager units, units in the process of being made available for occupancy and units being renovated. Therefore, it is more accurate to use the homeowner and rental vacancy rates. Refer to **Table 15: Homeowner and Rental Vacancy Rates** for detailed information.

Based on the 2010 Census, Dunkirk had a homeowner vacancy rate of 1.9% and a renter vacancy rate of 9.1%. According to 2012-2016 ACS data, the estimated homeowner vacancy rate has increased to 5.4%, while the rental vacancy rate decreased to 3.1%. The generally accepted standards for measuring housing availability and a healthy housing market are vacancy rates of 1% for owner-occupied units and 5% for rental units. Based on the available data, the City may have a tight rental market, with an approximately 3% vacancy rate.

Dunkirk's current rental vacancy rate is lower than all of the comparable communities by significant margins. This may be a further indication of a tight rental market in the City and higher rental costs. The City's homeowner vacancy rate, on the other hand, is higher than the comparable communities and may be due to a high number of abandoned homes, homes in foreclosure and a sluggish housing market.

Characteristics of owner-occupied housing

Owner-occupied housing units comprise 60% of the City of Dunkirk's existing housing stock, according to the 2018 Census estimate. The majority of owner units are in single family structures, with a typical unit size of 3 bedrooms. Approximately 1102 units (30%) have four or more bedrooms, compared with 1042 (26.5%) in 1980.

Housing costs are considered reasonable in comparison to other areas of the state. In the City of Dunkirk, the median value of owner-occupied housing increased by approximately 35% between 1980 and 1990, from \$30,300 to \$40,800. The rate of increase is somewhat less than that of median income for the City for the same time period.

Largely due to economic conditions, a substantially large number of residential properties in Dunkirk have been placed on the market in the last few years. Sales prices are considerable lower relative to other western New York communities. A survey of houses for sale listed in the Observer in Fall 1994 indicated that while most houses list for \$30,000 - \$70,000, the average asking price was \$52,039. According to the Northern Chautauqua Board of Realtors, the average actual selling price of existing single-family homes in Dunkirk was \$35,108 in 1993, a less than 6% increase over 1988. The median value average of 2014-2018 according to 2018 Census estimate is \$65,900.

As outlined earlier, the generally accepted standard for measuring housing availability in a healthy market is approximately 1% for purchase housing. Overall, the vacancy rate for owner units in the City of Dunkirk was 0.8% in 1990. Rates varied by census tract; there were no vacant homes for sale in census tract 356, while census tract 355 had a vacancy rate of 1.5%, the highest in the City.

Given the very limited amount of new home construction in Dunkirk over the last twenty years, it is not surprising that vacancy rates are generally low. However, with property values in the City of Dunkirk stagnating and many people moving out of the City, there may be a greater need

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for one-to-one replacement and upgrading of existing homes rather than construction of new units.

Affordable Housing Needs

In evaluating the housing needs of a community as a whole, there is invariably a complex set of factors to consider: the condition of the existing housing stock; the compositions of area households; and the impact of the area economy, rent, market value, and availability of residential units. Notwithstanding these complexities, it is also fair to say that household income in one way, shape, or form is a key determinant of the general housing need in a community.

Statistically, the average resident within the City of Dunkirk has not been better off financially than the typical resident of the Jamestown-Dunkirk MSA. According to the 1990 Census, the median household income in the City was \$20,742 as compared to the MSA median of \$24,183. Over 47% of its households were low income (i.e., household with income less than 80% of the median income of the Jamestown-Dunkirk MSA) as defined by the U.S. Department of Housing and Urban Development. Furthermore, an estimated 31.2% of all households within the City of Dunkirk were very low income, with incomes less than 50% of the MSA median. Areas of low-income concentration are indicated in census tracts 354 and 355, each of which had relatively larger proportions of low-income households than in the City as a whole (48.6% and 57.3% respectively). 2010 Census data report median household income is \$34,899.

Census figures suggest that household headed by African-Americans or Hispanics in Dunkirk are far more likely to be low or very low income than those headed by whites. An estimated 78.5% of households headed by Hispanics and 73.5% of those headed by African-Americans are low income. In contrast, only 44.4% of households headed by whites are low income. Similarly, two-thirds of Hispanic households and 54.2% of African-American household can be classified as very low income, compared with 28.1% of households headed by whites.

Cost burden

The needs of lower income households can best be understood by examining the numbers of cost burdened households in the City of Dunkirk by income range and tenure. Cost burden is defined as the extent to which gross housing costs exceeds 30% of gross income, based on data published by the Census Bureau.

A total of 1460 households in Dunkirk reported housing costs in excess of 30% of income. This represented 28.7% of all households. Not surprisingly, the extent of cost burden was significantly greater on lower income households. Households with annual incomes under \$10,000 accounted for 1057 or nearly three out of four, of the households determined to be cost burdened.

Renter households were more severely impacted than owner-occupied units. While only 15.1% of all owners were considered cost-burdened, the percentage of renters so affected was 49.9%.

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This disparity was reflective of the higher incidence of low income persons among renter households; half of the renter households in Dunkirk reported annual incomes less than \$10,000. In contrast, low income households comprised only 13% of the owner-occupied units.

The total low income households in the City (i.e. with incomes at or below 80% of the area median) were fairly evenly split between owners (1436) and renters (1455). However, the percentage of renters determined to be low income was significantly greater than the percentage of owners so classified (75.2% vs. 38.9%). The disparity between renters and owners in very low income households was even greater, with 59% of renters in this category versus only 17.3% of the owner households.

Overall, half of all low income households in the City of Dunkirk were determined to be cost-burdened at 25.8%, or 747, was severely cost-burdened. The statistics indicate that the incidence of cost burdening was much greater among low income renters than among low income owners. Fully 982 low income renter households (67.5%) were estimated to be cost burdened, while 585 were severely cost burdened (40.2%). In contrast, among low income owners, 478 were cost-burdened (33.3%) and 178 (12.4%) were severely cost burdened.

UPDATE: From the 2019 City of Dunkirk Comprehensive Plan

Housing cost burden is a measure of monthly housing costs as a percentage of monthly income. The US Department of Housing and Urban Development defines cost burdened families as those who pay more than 30% of their income for housing and may have difficulty affording necessities such as food, clothing, transportation and medical care. Severe cost burden is defined as paying more than 50 percent of one's income on housing. It is important to note that the 30% and 50% figures are not the only determining factor of a homeowner's or renter's ability to afford their housing costs and must be evaluated in the context of a community's broader housing situation, including but not limited to median housing values, monthly mortgage and rent costs; vacancy rates and the condition of the local housing stock, among other factors.

Cost Burden for All Households

The share of residents with housing cost burden is low for homeowners with and without a mortgage in both Dunkirk and the comparison communities. However, 58% of Dunkirk renters, 57% of Jamestown renters, 45% of Fredonia renters, and 48% of Chautauqua County renters are housing cost burdened, based on the 30% rule. This indicates that rental prices may not be affordable for a majority of renters in Dunkirk and the surrounding area and underscores the need for measures to further evaluate the issue and consider appropriate and feasible measures to increase housing affordability for renters. Refer to **Table 22: Percentage of Households Experiencing Housing Cost Burden (2016)**.

For homeowners with mortgages, 23% are considered housing cost burdened in Dunkirk compared to 21% in Fredonia and 24% in both Jamestown and Chautauqua County. These figures indicated that homeowners in Dunkirk and comparable communities have much less financial stress.

	Dunkirk	Fredonia	Jamestown	Chautauqua County
Homeowners with mortgage spending 30% or more of income on housing costs	23%	21%	24%	24%
Homeowners without mortgage spending 30% or more of income on housing costs	13%	13%	17%	15%
Renters spending 30% or more of income on rent	58%	45%	57%	48%

Source: US Census Bureau, American Community Survey 5-Year Estimates, 2012-2016

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Housing Cost Burden for Homeowners by Income

Separating housing cost burden by income level can help to show the income brackets that are most susceptible to affordability issues. In Dunkirk, 100% of homeowners with a mortgage are housing cost burdened when making less than \$20,000. The share of housing cost burdened homeowners' drops off drastically (13%) for those making \$35,000 or more. This analysis indicates that an income of \$35,000 or more is likely sufficient to manage homeowner housing costs in Dunkirk. Refer to **Table 23: Housing Cost as a Percentage of Income (2016)**.

Housing cost burden for homeowners in Chautauqua County affects more homeowners in higher income brackets than in Dunkirk. Specifically, the percentage of housing cost burdened homeowners does not drop below 20% until homeowners make more than \$50,000. This indicates that a slightly higher income is required in Chautauqua County as a whole than in Dunkirk to manage homeowner housing costs. In Fredonia, it appears that very few people of any income level are cost burdened. In Jamestown, those who have an income over \$35,000 are less likely to be cost burdened by a mortgage.

Table 23: Housing Cost as a Percentage of Income (2016)

Housing Costs	Dunkirk		Jamestown		Fredonia		Chautauqua County	
	Total	%	Total	%	Total	%	Total	%
Total	3,005		6,384		2,360		36,888	
With a Mortgage	1,507	50%	3,513	55%	1,385	59%	19,402	53%
Less than \$20,000	94	3%	255	4%	57	2%	1,331	4%
30 Percent or More	94	100%	255	4%	57	2%	1,277	96%
\$20,000 to \$34,999	277	9%	561	9%	32	1%	2,344	6%
30 Percent or More	209	75%	408	6%	32	1%	1,730	74%
\$35,000 to \$49,999	249	8%	535	8%	144	6%	2,760	8%
30 Percent or More	33	13%	88	1%	104	4%	798	29%
\$50,000 to \$74,999	376	13%	782	12%	340	14%	4,791	13%
30 Percent or More	8	2%	74	1%	49	2%	651	14%
\$75,000 or More	511	17%	1,361	21%	612	34%	8,132	22%
30 Percent or More	0	0%	12	0%	32	1%	218	3%
Zero or Negative Income	0	0%	19	0%	0	0%	44	0%
Not Mortgaged	1,498	50%	2,871	45%	975	41%	17,486	47%
Less than \$20,000	313	10%	797	12%	53	2%	3,456	9%
30 Percent or More	168	54%	467	7%	20	1%	2,137	62%
\$20,000 to \$34,999	286	10%	467	7%	219	9%	3,381	9%
30 Percent or More	14	5%	7	1%	66	3%	409	12%
\$35,000 to \$49,999	356	12%	542	8%	213	9%	3,208	9%
30 Percent or More	14	4%	8	1%	35	1%	132	4%
\$50,000 to \$74,999	268	9%	444	7%	212	9%	3,245	9%
30 Percent or More	0	0%	0	0%	0	0%	11	0%
\$75,000 or More	275	9%	604	9%	278	12%	4,060	11%
30 Percent or More	0	0%	0	0%	0	0%	5	0%
Zero or Negative Income	0	0%	17	0%	0	0%	136	0%

Source: US Census Bureau, American Community Survey 5-Year Estimates, 2012-2016

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Housing Cost Burden for Renters by Income

Renter incomes in Dunkirk and Chautauqua County are lower than homeowner incomes. In both Dunkirk and Chautauqua County, over 40% of renters make less than \$20,000. At this income level, 91% of renters in Dunkirk and 88% in Chautauqua are housing cost burdened. The percentage of housing cost burdened rents drops to below 10% in both areas when renters make more than \$35,000. The same is true for the comparison communities. Refer to **Table 24: Rental Housing Cost as a Percentage of Income (2016)**.

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	Dunkirk		Chautauqua County		Jamestown		Fredonia	
	Total	%	Total	%	Total	%	Total	%
Renter-occupied housing units:	2,108		15,830		6,310		1,286	
Less than \$20,000:	928	44%	6,466	41%	3,337	53%	437	34%
30 percent or more	842	91%	5,689	88%	2,966	47%	354	28%
\$20,000 to \$34,999:	564	27%	3,577	23%	1,294	21%	399	31%
30 percent or more	365	65%	1,773	50%	599	9%	205	16%
\$35,000 to \$49,999:	357	17%	2,208	14%	785	12%	205	16%
30 percent or more	11	3%	63	3%	36	1%	28	2%
\$50,000 to \$74,999:	131	6%	1,516	10%	465	7%	53	4%
30 percent or more	11	8%	63	4%	36	1%	0	0%
\$75,000 or more:	62	3%	764	5%	213	3%	71	6%
30 percent or more	0	0%	0	0%	0	0%	0	0%
Zero or negative income	18	0.9%	272	2%	61	1%	55	4%
No cash rent	48	2%	1,027	6.5%	155	2%	66	5%
Total Housing Cost Burdened Renter Households	1,229	58%	7,588	48%	3,637	58%	653	51%

Source: US Census Bureau, American Community Survey 5-Year Estimates, 2012-2016

Mapping

V. Mapping

Using MapInfo street data provided by the U.S. Department of Housing and Urban Development, a series of maps were produced which present information on census tract boundaries, minority population and areas of minority concentration, and percentage of low/mod population by census tracts and block group.

Fair Housing Impediment Analysis

Impediments to Fair Housing Choice

VI. Identification of Impediments to Fair Housing Choice

Based on the foregoing analysis, this section provides a report detailing specific impediments which hinder fair housing choice in the City of Dunkirk. This assessment covers discrimination in the areas identified by HUD in the 904(c) standard.

The sale or rental of housing

Affordability

The limited availability of affordable housing for low income people is one of the major impediments to fair housing choice in the City of Dunkirk. The housing conditions in the City of Dunkirk are characterized by a decline in the number of housing units, very limited amount of new home construction, increasing age of structures and significant deferred maintenance, and a severely limited number of units which are accessible to handicapped residents and large families. The housing situation is exacerbated by an increase in the overall population of low and moderate income residents facing declining wages and cost burden.

Housing Quality

A survey by the United Way of Northern Chautauqua County found that nearly one-quarter of respondents perceived the need for affordable housing in the community as “serious”. In addition, residents who attended a conference to identify the City’s priorities for its Enterprise Community application pointed to the deterioration and inadequate maintenance of residential properties as factors in Dunkirk’s negative image. These residents suggested increased code enforcement, demolition of deteriorated buildings (particularly along Routes 5 and 60), and neighborhood beautification efforts as strategies which would go a long way to enhance the City’s image.

Discrimination

Housing providers and community organizations seeking housing for low income people and residents with special needs reported a range of discriminatory practices by local landlords but characterized the level of racial or ethnic discrimination as mild in comparison to other upstate New York Cities. Many providers reported reluctance on the part of local landlords to rent to individuals receiving housing assistance and conclude that the landlords negative perception is due to a lack of understanding of programs like Section 8. Respondents to the survey of housing providers indicate that discrimination on the basis of familial status most prevalent.

“NIMBYism”

As in many other communities, resistance to the siting of group homes for the disabled, particularly for those who are mentally ill is prevalent in the City of Dunkirk. Groups and

Fair Housing Impediment Analysis

agencies serving individuals with disabilities have had a hard time locating group homes in the City of Dunkirk, prompting some housing developers to comment that they are “barred from developing housing in the City of Dunkirk”.

There are generally two courses of action to take to mitigate this barrier to a manageable level. The local review boards need to a) become better educated about the need for housing special populations and varied housing types and b) definitively define and comprehend the parameters and extent of their authority. The second course of action extends to the education of the public regarding special needs housing and the positive benefits that accrue to the neighborhood and community as a whole. The efforts needed to educate the public will obviously require much more time than that required to educate the review boards, but the process for both should be started simultaneously. Since the authority lies with the review boards and their members are fewer, efforts in this area can be completed fairly quickly. Furthermore, once the boards are educated they would be in a position to assist in the enlightenment of the general public.

Public education on the need for affordable housing cannot be understated. While control authority lies with review boards, the NIMBY factor can be devastating even when a development proposal wins review approval. A typical NIMBY group will test the decision in court, creating delays and increased costs, and reducing the affordability of the project. Sadly, the resultant delays often “kill” the project regardless of the eventual court decision. The public needs to perceive that persons in need of affordable and special needs housing are individuals requiring our assistance, and not society’s outcasts.

UPDATE: in 2017 Southern Tier Environments for Living (STEL) was awarded \$790,000 to develop very low income housing for people with disabilities. STEL’s Dunkirk Renovation and Ownership Program is a multifamily affordable housing project that is located at various sites in the eastern portion of the City of Dunkirk. It involves the new construction of 11 buildings and the rehabilitation of 14 existing one and two-family houses to create a total of 49 units of affordable rental housing for low income individuals and families. Of these 49 units, the award provides \$165,000 for 10 units for homeless individuals with serious mental illness.

The delivery of housing brokerage services

Based on the analysis of Loan to Deposit ratios and Rejection rates of branch banks serving the City of Dunkirk there appears to be some reason to be concerned over potential discrimination by income and race. Without a comprehensive auditing and testing program, however, much of the information contained in the analysis cannot be verified as to whether fair housing opportunities are being impeded by current lending policies and practices.

The availability of financial assistance

The overriding impediment to fair housing choice is income. Compared to surrounding communities in Chautauqua County, the City of Dunkirk exhibits relatively limited housing supply which tends to result in a concentration of low and moderate income families. In the

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interviews with local banks, it was that efforts have been made by each to provide flexible financing programs to assist low income and disadvantaged households in becoming homeowners. These private sector initiatives provide the City with additional resources to promote fair housing opportunities to its disadvantaged populations. The City's Five Year Strategy outlined in the Consolidated Plan identifies a range of housing and affordable homeownership program initiatives. Coordination of these efforts with existing private sector financing should be considered to maximize benefits to the targeted population.

Public policies and actions affecting site approval for affordable housing

Generally, public policies related to zoning and subdivision ordinances in the City of Dunkirk have not been a barrier to affordable housing. No excessive, exclusionary, discriminatory, or duplicative policies, rules, or regulations were uncovered in the City that would constitute a barrier to affordability. Although agencies proposing affordable housing have initially met with some resistance by local residents, zoning ordinances in the City provide for a wide range of residential development.

Administrative policies for community development and housing activities

Rehabilitation of substandard housing has been addressed by the City of Dunkirk since it attained entitlement status under the Community Development Block Grant program. Housing rehabilitation and other programs target low income owners, renters, and the elderly throughout the City. No public policies were identified that restrict the provision of housing and community development assistance to areas of minority concentration. The City should endeavor to create Planning and Zoning Review Boards which ensure that all members of their community are fully represented.

Property tax policies

As a municipal entity in the State of New York, cities are permitted to exempt real property from taxation to the extent permitted by New York State laws. These exemptions enhance the affordability of housing for the city's less affluent residents. The City of Dunkirk should offer a range of exemptions which enhance fair housing including exemptions to housing authority projects, CHDO projects, senior citizens, veterans, and disabled homeowners.

Fair Housing Action Plan

VII. Development of an Action Plan

Based on the analysis of impediments to fair housing choice, the action plan recommends affirmative measures which the communities may take to overcome the impediments identified. Recommendations are consistent with Sections 570.601(b) of Title VIII of the Civil Rights Act of 1968. The Action Plan addresses the following types of activities: education and outreach; monitoring lending, housing provider and local real estate practices; enforcement activities;

Fair Housing Impediment Analysis

investigative testing and auditing of the local real estate market; structuring land use policies to affirmatively further fair housing; increasing geographic choice in housing for Section 8 certificate and voucher holders and other low-income renters and prospective home buyers; activities to promote desegregation of public housing; and overcoming NIMBY attitudes. It is expected that the City will undertake recommended activities in collaboration with the Chautauqua County organizations dedicated to enhancing fair housing opportunities.

Short and long term goals to address impediments

A. Education and Outreach

The City's education and outreach activities will focus on initiating a range of activities including

- Developing an outreach campaign which includes placing advertisements in local newspapers and distribution of Federal and state fair housing literature and posters. **UPDATE: The City works closely with CDBG subrecipients and other partners to share and disseminate fair housing information. In addition, the City is an active member of the local Continuum of Care.**
- Identifying a Fair Housing Officer and developing a process for accepting and processing complaints and concerns regarding fair housing issues. **UPDATE: The City of Dunkirk Code Enforcement Officer receives and processes fair housing complaint calls.**
- Working with other Chautauqua County organizations, the City will establish a formal linkage (such as a working group) between agencies providing fair housing services and a central repository of fair housing resource material and contacts. Through this formal linkage, fair housing materials will be available through the County, and will also be disseminated through an affirmative action officer. Material may be obtained through HUD's Fair Housing Clearinghouse or developed locally to address specific impediments and needs. This linkage of communities and agencies will assure that the staffs of those agencies are aware of fair housing laws, capable of accurately identifying suspected discrimination, and will expeditiously refer all potential bias victims to the appropriate agency. **UPDATE: The City is an active member of the local CoC and has partnerships with local agencies providing housing services such as Chautauqua Opportunities and CHRIC.**
- Development of an informational brochure or fact sheet to outline the range of services available both within the City and county. This document (and other such materials) will be disseminated through affirmative action officers and will be posted and/or available at all municipal offices. Brochures will also be posted in a wide range of public places and housing agency offices in order to reach as broad an audience as possible. **UPDATE: A resource list of county wide emergency and community services has been created and is publically posted and available for the taking. In addition, a fully updated New Resident Relocation Guide has been posted on the City Website in 2020.**
- Development of incentives to encourage affirmative action officers to participate in fair housing training sessions on a monthly or quarterly basis.

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- Establishment of formal contractual relationships with organizations who provide a full range of fair housing services and provide ongoing technical assistance to affirmative action officers. Such services could include provision of legal representation to non-income eligible clients where a cooperating attorney cannot be located and developing community education campaigns. **UPDATE: The City has formal agreements with several partners to provide first-time home buyer classes (English and Spanish) covering Fair Housing topics with the downpayment and closing costs assistance program. In addition, formal partnerships are also in place to provide owner-occupied repair assistance and rehab services along with an acquisition, rehab, resale program.**
- Potential contractual relationships with the Western New York Independent Living Center to provide home finder assistance for disabled residents.
- Coordination of advertising efforts with Chautauqua County initiatives and implementation of outreach efforts through existing fair housing agencies to provide fair housing and related homeownership and landlord/tenant counseling. **UPDATE: This service is being provided by Chautauqua Opportunitites and Chautauqua Home Rehabilitation and Improvement Corp (CHIRC)**

B. Monitoring Lending, Housing Provider, and Local Real Estate Practices

Monitoring efforts will most likely involve close collaboration with existing Chautauqua County Financial Institutions and will be concerned with data collection and identification of problem areas and needs. Potential actions should include:

- Establishing collaborative relationships with banks and realtors to encourage residential lending in low-to-moderate income census tracts through mechanisms such as low downpayment and closing cost mortgage programs for first-time homebuyers and smaller mortgages; and alternative underwriting criteria for mortgage lending where applicants can demonstrate a one-year record of timely rent payments. **UPDATE: the City has a formal working relationship with representatives from 3 of the 4 banks listed in this plan**
- Coordination of efforts throughout Chautauqua County in working with the local Public Transportation Authority or private transit companies to assure mass transit access to all major employers and areas of employment concentration. **UPDATE: CARTS now provides county-wide bus service to all major employment areas.**
- Identification of lending institutions that should be contacts to explain their lending policies.
- Training in and promotion of self-analysis for non-discriminatory treatment of applicants and homebuyers. Such activities will be designed to encourage lenders, realtors, and housing providers to undertake thorough reviews of their current practices to determine where problems may exist.

C. Enforcement Activity

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Enforcement activities will be designed to positively encourage implementation of fair housing initiatives through data collection, information dissemination, and corrective actions designed to remediate problem areas. Specific activities should include:

- Surveys of homebuyers and Section 8 participants in the City and county to examine the factors which went into their housing choice
- Collaboration with Chautauqua County, local banks and realtors to identify and remediate discriminatory practices in local municipalities.
- Empowerment of a discrimination board (made up of local municipality affirmative action officers lenders, realtors, and landlords, to minimize the need for enforcement).
- Scheduling of public hearings annually to solicit comments on impediments to fair housing choice and the adequacy of current fair housing measures. **UPDATE: Public hearings are held at least annually as part of the Annual Action Plan and Consolidated Planning process. Housing and Fair Housing topics are addressed and comments solicited.**

D. Investigative Testing and Auditing of the Local Real Estate Market

The City of Dunkirk should:

- Investigate the feasibility and affordability of creating a county-wide consortia to develop a testing and auditing program.

E. Structuring Land Use Policies to Affirmatively Further Fair Housing

The City of Dunkirk should:

- Develop zoning ordinances that permit the construction of multi-family rental housing. (As state by the Court of Appeals in Berenson v. Town of New Castle, zoning must take into account the needs of both the locality and the surrounding region). Minimum unit sizes should not be more restrictive than those provided for in assisted housing programs. **UPDATE: The City does not permit rental housing specifically however does have an R-3 Multi-family district that provides for this.**
- Work with others in Chautauqua County to develop an inventory of census tracts which offer possible sites for the construction of multi-family affordable housing.
- Implement zoning that will permit the construction of subdivisions of manufactured homes or mobile home parks (zoning which theoretically permits uses without designating an area for that use is not practical) where infrastructure does not permit the construction of multi-family housing.
- Adoption of zoning which provides for a variety of lot sizes and two-family homes to permit the construction of affordable housing. Single-family zoning should not prohibit the construction of a limited number of accessory units. **UPDATE: The City has an R-3 Multi-family district that provides for this.**

Fair Housing Impediment Analysis

- Implementation of a “density bonus” to encourage developers to include some affordable housing units within each market-rate development.
- Aggressive actions to include women, racial or ethnic minorities, and disabled citizens on appointed planning and zoning boards. **UPDATE: The City continually looks for ways to diversify these boards and currently have women and/or minorities represented on both.**
- Collaboration with others in Chautauqua County to establish a clearinghouse to assist in the siting of community residences throughout Chautauqua County and within the region.
- Collaboration with Chautauqua County to give preference to infrastructure improvements intended to allow the construction of multi-family affordable housing.

F. Increasing Geographic Choice in Housing

The City of Dunkirk’s activities should:

- Working with others in Chautauqua County to establish a central repository of information on assisted housing opportunities in their communities (assisted housing would include all housing developed with assistance from the state and federal governments as well as rental units in structures rehabilitated with funds provided by the government). The repository should include a description of the housing units offered, their size, location, cost and eligibility criteria. Vacant units should be listed along with a description of the application process. If no units are vacant, the repository should provide an estimate of the length of the wait for various size units.
- Seeking a contract with an appropriate local organization to provide a similar listing service for non-assisted rental housing available to all Chautauqua County landlords at no charge. Listing landlords should be provided with information on non-discriminatory means of selecting tenants. Fair housing literature and referrals should be available for home seekers.
- Passage of a county-side fair housing law declaring that it is the policy of Chautauqua County to assure every resident equal opportunity in housing prohibiting discrimination due to race, color, religion, national origin, sex, marital status, disability, age, familial status, lawful source of income, and sexual orientation. This statute should apply to all housing publically offered through advertisements, signs, or listings with third-parties.
- Collaboration with the local Association of Realtors to launch a community education campaign to inform residents of fair housing policy, law, and activities as well as tenant rights and responsibilities.
- Ensure the success of initiatives developed by local financial institutions by effectively marketing first time homebuyer programs and other initiatives which expand housing choice.

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- Seeking a contract with Chautauqua County and an appropriate organization to provide a mobility counseling program intended to facilitate the socio-economic integration of Section 8 program participants.
- Providing reductions in Chautauqua County and municipal property taxes to landlords who share the cost of reasonable modifications necessary to afford a disabled tenant accessibility to a dwelling for the duration of the tenancy (or until a predetermined portion of the expense is recovered).

G. Desegregation of Public Housing

Efforts to facilitate the desegregation of public housing should include:

- Working with housing providers to develop and support of a first-time homebuyers' assistance program which encourages pro-integration housing choice.
- Involvement of numerous community leaders to assist with the process of desegregation including sponsorship of a wide variety of resident activities
- Provision of tenant empowerment and welcoming activities and assistance in organizing an integration committee.

H. NIMBY Attitudes

Efforts to minimize NIMBY attitudes (such as those currently exhibited regarding construction of group homes, low income housing units, and public assistance tenants), should include:

- Development of annual award programs to recognize community individuals and organizations that have made significant contributions to fair housing through removal of barriers to the achievement of human service goals.
- Outreach and education to overcome NIMBY attitudes through collaboration in programs which remediate racial tension.

Financial Plan to Accomplish Goals

The primary financial resource that the City expects to utilize is the Community Development Block Grant Program. As a CDBG entitlement community the city receives an annual allocation of CDBG funds which has approximated \$700,000 in the recent years. A portion of this annual allocation will be utilized to fund fair housing activities identified in the Fair Housing Action Plan. Local lending institutions are also a prime source for financing some of the proposed activities. With the increasing importance of Community Reinvestment Act requirements, banks and other financial institutions are much more actively pursuing opportunities to improve their CRA ratings. The City intends to engage the cooperation and support of all local lenders in plan implementation

Mechanism for Monitoring, Evaluation, and Updating the Fair Housing Analysis

Fair Housing Impediment Analysis

All of the participating entities in the Fair Housing Impediments Analysis process have adequate, in-place reporting and tracking systems to monitor performance in such areas as Community Development programming, Section 8 rental assistance, Fair Housing information and compliance, etc. The City is confident that its current monitoring procedures comply with HUD requirements for record keeping and reporting system, review procedures, Federal rules compliance and Sub recipient monitoring. As the Action Plan implementation process unfolds, the City will review its monitoring procedures to insure that they continue to provide adequate control and accountability.

Strategy to Insure Plan Implementation

The broad-based, county-wide approach devised for implementation of the Fair Housing Action Plan not only provides for a more comprehensive, effective and efficient implementation of fair housing strategies, but it also provides a forward-looking environment that will help sustain the overall effort regardless of changes within the municipal administration. The coordination of city agencies, housing providers, fair housing advocates and private lenders and realtors will create a formidable network of peer support and pressure to sustain long-term effort.

To further strengthen the long term commitment to Action Plan goals and strategies, the city proposes to institute an education and training program for in-coming officials and administrative staff regarding fair housing issues and the strategy plan initiatives to be implemented.

Commitment from local officials for carrying out the plan

The City has invested considerable time and effort in conducting a thorough and comprehensive analysis of fair housing impediments. This analysis has resulted in a pro-active action plan that provides strategies for improving fair housing opportunities through a wide range of proposed activities. The extensiveness of this planning effort demonstrates the commitment of local officials for carrying out the plan initiatives.

Fair Housing Impediment Analysis

Fair Housing Action Plan

Data Sources

Agencies and contacts consulted for information:

- Chautauqua County Department of Health
- Chautauqua County Department of Social Services
- Chautauqua County Department of Senior Services
- Chautauqua County Department of Youth Services
- Chautauqua Opportunities, Inc
- Core Area Preservation Company
- Rural Ministry of Chautauqua County
- Rural Opportunities, Inc
- Dunkirk Housing Authority
- ERA Realty
- Midtown Realty Co.
- Key Bank
- M&T Bank
- Lake Shore Savings Bank
- Fleet Bank
- Chautauqua Home Rehabilitation and Improvement Corporation
- Dunkirk Observer
- Graf Realty Corporation
- Coldwell Banker
- Northern Chautauqua Realty
- Century 21 Real Estate

Reports, Studies and Statistical Information

- City of Dunkirk Comprehensive Plan, 2019
- City of Dunkirk Consolidated Plan, 2018 and 1995
- Fair Housing Initiative for Chautauqua County, New York prepared by Chautauqua Opportunities, 2015
- City of Dunkirk Comprehensive Housing Affordability Strategy (CHAS), 1994
- Survey of Community Housing and Supportive Service Providers, conducted by EastWest Planning & Development, 1995
- Statistical information compiled annually by Chautauqua Opportunities, Inc
- 2018 Census Estimates
- 2010 Census of Population and Housing
- 1992 Census of Retail Trade
- Central Business District Development Strategy: Dunkirk, New York, Nov. 1995
- U.S. Department of Housing and Urban Development, Housing Discrimination Study, Incidence & Severity of Unfavorable Treatment, October, 1991.
- Carr, James H. & Megbolugbe, Isaac F. The Federal Reserve Bank of Boston Study on Mortgage Lending Revisited. Fannie Mae Office of Research, February, 1994.
- Analysis of Impediments to Fair Housing, Iowa City, Iowa
- Analysis of Fair Housing, Santa Ana, California